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Amos P. Lee

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P A S S E D A T A

GENERAL ASSEMBLY

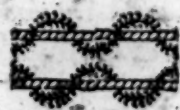
O F T H E

COMMONWEALTH

O F

VIRGINIA.

BEGUN and held at the PUBLIC BUILDINGS in the CITY of RICHMOND,
on MONDAY the SEVENTEENTH Day of OCTOBER, in the Year of our L. ORD,
ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE.



RICHMOND: PRINTED BY JOHN DUNLAP AND JAMES HAYES,
PRINTERS TO THE COMMONWEALTH.

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THE NATIONAL ANTHROPOLOGICAL ARCHIVES

GENERAL ASSEMBLY

OF THE

COMMISSION OF THE NATIONAL ANTHROPOLOGICAL ARCHIVES

ANNUAL REPORT

Presented to the General Assembly of the National Anthropological Archives



Report of the National Anthropological Archives for the year 1900

Printed by the Government Printing Office, Washington, D.C.

A C T S

P A S S E D A T A

GENERAL ASSEMBLY

O F T H E C O M M O N W E A L T H O F

V I R G I N I A.

C H A P. I.

An ACT to amend and reduce into one Act, the several LAWS for REGULATING and DISCIPLINING the MILITIA, and guarding against INVASIONS and INSURRECTIONS.

SECTION I. **W**HEREAS the defence and safety of the Commonwealth depend upon having its citizens properly armed and taught the knowledge of military duty, and the different laws heretofore enacted being found inadequate to such purposes, and in order that the same may be formed into one plain and regular system;

SECT. II. *B E* it enacted by the General Assembly, That the Officers of the militia who were displaced and removed from office, by virtue of an Act "For amending the several laws for regulating and disciplining the militia, and guarding against invasions and insurrections," are hereby reinstated, and shall take precedence of rank agreeable to the dates of the commissions they severally held prior to the passing of the said Act; and vacancies supplied by appointment of the Governor, with the advice of the Privy Council, or recommendation from the respective County Courts.

SECT. III. *A N D* be it further enacted, That all free male persons between the ages of eighteen and fifty years, except the Members of the Council of State, Members of the American Congress, Judges of the Superior Courts, Speakers of the two Houses of Assembly, Treasurer, Attorney-General, Auditors and their Clerks, Solicitor-General and his Clerks, Clerks of the Council of State, and Treasury, Register of the Land-Office, his Deputy and Clerks, Custom-house Officers, all Inspectors of Tobacco, all Professors, and Tutors at the University of William and Mary, and other public Seminaries of learning, all Ministers of the Gospel, licensed to preach according to the rules of their sect, who shall have previously taken before the Court of their County, an oath of fidelity to the Commonwealth, Post-masters, Keepers of the Public Gaol and Public Hospital, Millers, persons concerned at Iron or Lead Works, or persons solely employed in repairing or manufacturing fire-arms, all of whom are exempted from the obligations of this Act, shall be inrolled or formed into companies, of three serjeants, three corporals, a drummer and fifer, and not less than forty, nor more than sixty-five, rank and file; and these companies shall again be formed into regiments of not more than one thousand, nor less than five hundred men, if there be so many in the County. Each company shall be commanded by a Captain, Lieutenant, and an Ensign; each regiment by a Colonel, Lieutenant-Colonel, and Major; and the whole by a County-Lieutenant. These officers shall be resident within their County; and before they enter on the execution of their respective offices, shall take the following oath: "I do swear that I will be faithful and true to the Commonwealth of Virginia, of which I profess myself to be a citizen; and that I will faithfully and justly execute the office of a _____, in the militia of the County of _____, according to the best of my skill and judgment. So help me GOD." There shall be a private muster of every company once in two months, except December and January, at such convenient time and place as the Captain or next commanding officer shall appoint; a muster of each regiment on some day in the month of March or April, in every year, to be appointed by the commanding officer thereof, at a convenient place near the centre of the regiment; and a general muster of the whole on some day in the month of October or November, in every year, to be appointed by the County-Lieutenant, or commanding officer, at a convenient place near the centre of the County: For the times and places of the said musters, the County-Lieutenant or commanding officer for the time being, shall give notice to the commanding

commanding officers of regiments; for the general muster, the commanding officers of regiments shall give notice to the commanding officers of their respective companies of such general muster and of his regimental muster; and the commanding officers of companies shall give notice of the general, regimental, and private musters, to every person of their respective companies, and to that end the commanding officers of companies shall have power to order so many of their serjeants as they shall think fit, to give such notice, which may be done by personal summons by the said commanding officer, or serjeant so ordered, or by either of them, leaving notice in writing at the usual place of abode of the person to be summoned: The notices to be given by the commanding officer of the County, and commanding officers of regiments, shall be in writing, delivered in person, or left at the usual place of abode of each person, to be notified either by such commanding officers themselves, or by such officer or officers of their respective commands as they may think fit to order; the said notices shall be given by the commanding officer of the County, to the commanding officers of regiments at least thirty days; by the commanding officers of regiments at least fifteen days; and by the commanding officers of companies at least five days, before such general, regimental, or private musters (as the case may be) shall be appointed to be had. Any officer, ordered as aforesaid to give such notices, failing therein, shall for every offence forfeit and pay five pounds; and every serjeant so failing, shall forfeit and pay one pound for every such failure; to be recovered as other fines hereafter to be established. Every officer and soldier shall appear at his respective muster-field on the day appointed, by eleven o'clock in the forenoon, armed, equipped, and accoutred, as follows: The County-Lieutenants, Colonels, Lieutenant-Colonels, and Majors, with a sword, the Captains, Lieutenants, and Ensigns, with a sword and esponton, every non-commissioned officer and private, with a good, clean musket carrying an ounce ball, and three feet eight inches long in the barrel, with a good bayonet and iron ramrod well fitted thereto, a cartridge box properly made, to contain and secure twenty cartridges fitted to his musket, a good knapsack and canteen, and moreover, each non-commissioned officer and private shall have at every muster, one pound of good powder, and four pounds of lead, including twenty blind cartridges; and each serjeant shall have a pair of moulds fit to cast balls for their respective companies, to be purchased by the commanding officer out of the monies arising on delinquencies. *Provided*, That the militia of the Counties westward of the Blue Ridge, and the Counties below adjoining thereto, shall not be obliged to be armed with muskets, but may have good rifles, with proper accoutrements, in lieu thereof. And every of the said officers, non-commissioned officers, and privates, shall constantly keep the aforesaid arms, accoutrements, and ammunition, ready to be produced whenever called for by his commanding officer. If any private shall make it appear to the satisfaction of the Court hereafter to be appointed for trying delinquencies under this Act, that he is so poor he cannot purchase the arms herein required, such Court shall cause them to be purchased out of the money arising from delinquents. The arms so purchased, shall by the commanding officer of the County, be delivered to the Captain of the company to which such poor private may belong, who shall deliver such arms to the private, but they shall continue the property of the County; and if any private shall sell or conceal the same, the seller, concealer, and purchaser, shall each forfeit and pay four pounds, to be recovered by the commanding officer in any Court of Record, on ten days notice. And on the death, disability, or exemption of such poor private, or his removal out of the County, such arms shall be delivered to the commanding officer of the company, who shall make report thereof to the next Court to be held, as aforesaid, and deliver the same to such other poor private, as they shall direct. And if any poor private shall remove out of the County, and carry such arms with him, he shall incur the same penalty as if he had sold them. And if any person concerned in selling, purchasing, concealing, or removing such arms, shall be prosecuted for the penalty, and upon conviction, shall fail to make instant payment, or give security to pay the same in such time as the Court shall deem reasonable, he shall suffer such punishment as the Court, before whom the recovery shall be made, may think fit. And the Lieutenant, or commanding officer for the time being, of any County, may recover any arms so sold, concealed, or removed, by action or petition, in detinue, or trover, with costs. And to the end that such arms may be known, the commanding officer shall cause to be stamped or engraved on them, the name of the County, together with the number of the regiment to which they may belong. At every muster, each Captain or commanding officer of a company, shall call his roll, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof at the next regimental or general muster, to the Colonel or commanding officer of his regiment, including those which may occur on that day. Every Colonel or commanding officer of a regiment, shall in like manner call his roll, examine and note down all delinquencies in his regiment, and make return thereof, together with those reported from commanding officers of companies, to the County Lieutenant or commanding officer, within ten days after every general and regimental muster, who shall lay the whole, together with the delinquencies occurring to him on the like examination, before the Court hereafter appointed to take cognizance of and determine on them; provided that the commanding officer of a County, or of a regiment, shall not be obliged to extend their roll calls, or individual examinations, beyond the officers, unless they observe some apparent necessity therefor. And to each of the said returns shall be annexed the following certificate, to wit: "I ——— do certify that the returns hereunto annexed, contain all delinquencies which have occurred in the militia of my County, the ——— regiment, or ——— company of ——— regiment (as the case may be) since the last return, having examined the same as the law directs;" and to the County and regimental return shall be added "and that the reports which accompany them are all which have been made by the commanding officers of regiments"

ments or companies (as the case may be.) Every Captain or commanding officer of a company shall, within ten days after every regimental and general muster, make up and report to the commanding officer of his regiment, a return of his company, including all arms, ammunition, and accoutrements, by this Act directed, distinguishing effective and good, from non-effective and bad, noting therein such as have died, removed, been exempted, or added, and all persons within the bounds of his company not on his roll, who ought to be inrolled. The commanding officer of each regiment shall, within fifteen days after every general muster, make the like return to the commanding officer of the County, who shall, within forty days thereafter, make the like return of the whole of his militia to the Governor. Each Captain or commanding officer of a company, shall, within ten days after receiving his commission and qualifying, as aforesaid, inroll all persons within his district, directed by this Act to be inrolled, and shall appoint to his company, three sergeants, three corporals, a drummer and fife, to be approved by the commanding officer of his regiment; and all vacancies which may thereafter happen, shall be filled up by appointments in like manner. In all cases of death, absence, or resignation of any County-Lieutenant, Colonel, or Captain, the next officer in rank in his respective command shall be considered as the commanding officer during the vacancy, and liable to perform the duties required by this Act, and for neglect therein, shall incur the penalties annexed thereto. AND WHEREAS, it will be of great utility and advantage in establishing a well disciplined militia, to annex to each regiment a light company to be formed of young men, from eighteen to twenty-five years old, whose activity and domestic circumstances will admit of a frequency of training, and strictness of discipline, not practicable for the militia in general, and returning to the main body, on their arrival at the latter period, will be constantly giving thereto a military pride and experience, from which the best of consequences will result:

SECT. IV. *BE it therefore enacted*, That the Governor, with the advice of Council, shall issue commissions for a Captain, Lieutenant, and Ensign to each regiment, in the same manner as is herein directed in this Act; and the said companies shall be distinguished by the following words, "LIGHT COMPANY OF — REGIMENT OF — MILITIA," filling up the blanks with the number of the regiment and name of the County. Every person belonging to the said light companies, shall wear while on duty, such caps and uniforms as the Executive shall direct, to be purchased by the commanding officer of the County, out of the monies arising on delinquents. The Captain thereof shall, after qualifying as is directed for other officers, proceed to enlist by voluntary enlistments, in his company, a sufficient number of young men, as before described, and shall have a private muster twice in every three months. And as the men of such light company shall from time to time arrive at the age of twenty-five years, the Captain shall make report thereof to the County-Lieutenant, who shall order them to be inrolled in the company whose districts they may respectively live in; and deficiencies shall be supplied by new enlistments. And the said companies shall in all respects be subject to the same regulations and orders as the rest of the militia.

SECT. V. *AND be it further enacted*; That the plan of Major General Baron Steuben, established in Congress by their Act bearing date the twenty ninth day of March, one thousand seven hundred and seventy-nine, for forming and disciplining the troops of the United States, shall be the guide for the militia of this Commonwealth. It shall be the duty of every commander of a County, regiment, and company, at every of their respective musters, to cause the militia to be exercised and trained agreeable to the said plan, under pain of being arrested and tried for breach of their duty; and for this purpose, the said officers are hereby authorized to order the most expert and fit officer in their respective companies, to perform that duty. And to the end, that a general knowledge thereof may be diffused, the Executive is hereby authorized and required, to have a sufficient number of copies of the said plan printed and bound in boards, to afford to every commissioned officer of the militia, one, and to deliver them to the commanders of Counties, to be by them distributed; and upon the death, resignation, or removal of any officer, the plan delivered him shall revert to the public; and the commanding officer for the time being, shall deliver the same to a new appointed officer who may not have received one; and for defraying the expence of so doing, shall draw on the contingent fund.

SECT. VI. *AND be it further enacted*, That two years after the commencement of this Act, shall be allowed for providing the arms and accoutrements herein directed; but in the mean time, the militia shall appear at musters with, and keep by them, the best arms and accoutrements they can get. Any officer who shall be guilty of disobedience, or other misbehaviour when on duty, or shall at any time be guilty of any conduct unbecoming the character of an officer, shall be put under an arrest by his commanding officer, and tried as hereafter shall be directed. If any non-commissioned officer or soldier shall behave himself disobediently or mutinously when on duty, on, or before any Court or Board directed by this Act to be held, the Commanding Officer, Court, or Board, may either confine him for the day, or cause him to be bound neck and heels for any time not exceeding five minutes. If any byestander shall interrupt, molest, or insult any officer or soldier while on duty at any muster, or shall be guilty of the like conduct before any Court or Board, as aforesaid, the Commanding Officer, or such Court or Board may cause him to be confined for the day. The Lieutenant or commanding officer of a County, shall cause to be purchased, out of the money arising from the fines, for every regiment in his County, the usual sets of colours, with such devices thereon as the Executive shall direct; also a drum and fife for each company; and on the colours and drum shall be marked, the name of the County, with the number of the regiment and company to which they belong.

AND WHEREAS it is necessary that adequate powers be vested in the Executive for calling forth the militia and resources of the State, in cases of invasion or insurrection, or upon any probable prospect of such invasion or insurrection;

SECT. VII. *BE it further enacted*, That the Governor, with the advice of the Council, be authorized and empowered, on any such invasion or insurrection, or probable prospect thereof, to call forth such a number of militia, and from such Counties, as they may deem proper. And for the accommodation, equipment, and support of the forces, so at any time to be called forth, the Governor, with the advice aforesaid, may appoint such Quarter-Masters, Commissaries, and other staff, as to them shall seem proper, and to fix their pay and allowances, and shall also take such measures for procuring, transporting, and issuing all stores which may be necessary, as to them shall seem best. Orders for the militia to be called forth, as aforesaid, shall be sent to the County Lieutenant or Commanding Officer, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers by detail and rotation of duty. If such detachment shall amount to one-third of a regiment, he shall send one Field-Officer with it; if two-thirds of a regiment, two Field-Officers; and if more than two-thirds, three Field-Officers. The County Lieutenant or Commanding Officer shall cause to be procured by impressment or otherwise, for each company, a waggon, team, and driver, six axes, and six camp kettles or pots of convenient size, all which shall be delivered to the commanding officer of the company, who shall be accountable for returning the same when his tour is over; and the articles aforesaid shall be returned to the owners, who shall be allowed for the use of the same whatever may be adjudged by the Court herein after appointed for enquiring into delinquencies. And to the end, that if any article impressed, be lost, the owner may be paid for the same, the County Lieutenant or Commanding Officer shall cause all property by him impressed by virtue of this Act, to be valued by two or more disinterested freeholders, on oath, before the same shall be sent away; and upon proof being made to the said Court of any article being lost, the valuation thereof shall be allowed, without any allowance for the use, and the said allowance shall be certified to the Auditors of Public Accounts. The said Court shall make enquiry into the cause of such loss, and if it shall appear that the said loss was occasioned by the misconduct or inattention of any officer, the County Lieutenant or Commanding Officer is hereby authorized to prosecute a suit against such officer for the recovery of damages for the use of the commonwealth. If it shall appear to the Executive, upon calling forth the militia, as aforesaid, that the necessary number and ranks of officers will not attend the detachments for regimenting and officering them at the places of rendezvous, the Governor, with advice of the Council, is hereby authorized to appoint such Field-Officers as may be necessary, from the Counties called upon, as they may think proper, to join the forces so raised; and the senior officer shall arrange and command the whole, and appoint the usual regimental staff. And if a General Officer, or officers, shall, in the opinion of the Executive, be necessary, either on account of the number of troops or importance of the service, the Governor, with advice of the Council, shall appoint and commission, one or more Brigadiers General, for the then existing occasion, who are hereby authorized to appoint, each, an Aid-de-Camp, Brigade Major, and Brigade Quarter-Master. If a sudden invasion shall be made into any County in this Commonwealth, or in case of an insurrection in any County, the County Lieutenant is hereby authorized and required to order out the whole, or such part of his militia as he may think necessary, and in such manner as he may think best for repelling or suppressing such invasion or insurrection; and shall call on the Lieutenants or commanding officers of the adjacent Counties, for such aid as he may think necessary, who shall forthwith in like manner furnish the same. And for assembling the militia required upon such occasions, or by orders of the Executive, the same measures shall be taken to summon them, as is directed in the case of musters. Whenever any militia shall be called forth into actual service, as aforesaid, they shall be governed by the articles of war which were last in force in the Continental army during the last war; and Courts-martial shall be held as are therein directed; but to the cashiering of any officer, or capital punishment of any person, the approbation of the Executive shall be necessary. And whenever any militia shall be in actual service, they shall be allowed pay and rations, as follows, to commence from the time of rendezvousing in their Counties, and to end, on being discharged, to wit: A Brigadier General, one hundred dollars per month, and twelve rations of provisions and five rations of forage for himself and family, per day; an Aid-de-Camp, thirty dollars per month; a Colonel, seventy-five dollars per month, and six rations of provisions and two rations of forage, per day; a Brigade Major, thirty dollars per month, four rations of provisions and two rations of forage, per day; a Brigade Quarter-Master, thirty dollars per month, and three rations of provisions and one ration of forage, per day; a Lieutenant Colonel, sixty dollars per month, and five rations of provisions and two rations of forage, per day; a Major, fifty dollars per month, and four rations of provisions and two rations of forage, per day; a Captain, forty dollars per month, and three rations of provisions, per day; a Lieutenant, twenty-seven, dollars and two-thirds per month, and two rations of provisions, per day; an Ensign, twenty dollars per month, and two rations of provisions, per day; a Surgeon, sixty-dollars per month, and three rations of provisions and two rations of forage, per day; a Quarter-Master, twenty dollars per month, and two rations of provisions and one ration of forage, per day; a Pay-Master, forty dollars per month, and two rations of provisions and one ration of forage, per day; an Adjutant, twenty-four dollars per month, and two rations of provisions and one ration of forage, per day; a Quarter-Master Serjeant, eight dollars per month, and one ration per day; a Serjeant, eight dollars per month, and one ration per day; a Corporal, seven dollars per month, and one ration per day; a private, five dollars and one half dollar per month, and one ration per day.

And

And should any of the staff be of the line, the allowances herein given shall include what they may receive in the line. A ration of provisions shall consist of one pound of fresh beef or pork, or three quarters of a pound of salt pork, one pound of wheat bread or flour, or one pound and a quarter of corn meal, one gill of rum, when to be had; and one quart of salt, one quart of vinegar, two pounds of soap, and one pound of candles, to every hundred rations; but in case salt meat be issued, the salt to be withheld; and a ration of forage, of ten quarts of corn or oats, and fourteen pounds of hay or fodder. And moreover, every militia-man, upon his discharge from actual service, shall be entitled to and receive one day's pay for each twenty miles such place of discharge shall be distant from his place of abode. And should the Executive at any time find it expedient to retain the whole or any part of the rations of provisions or forage herein allowed to officers, and to allow a composition in money, they are hereby empowered to do so.

SECT. VIII. *AND be it further enacted*, That the commanding officer of the militia in every County, shall from time to time, as he shall deem it necessary, appoint an officer, and so many men of the militia as to him shall appear necessary, not exceeding four, once in every month, or oftener, if thereto required by such officer, to patrol and visit all negro quarters and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons, as aforesaid, unlawfully assembled, or any others strolling about from one plantation to another, without a pass from his or her master, mistress, or owner, and carry them before the next Justice of the Peace, who, if he shall see cause, is to order every such slave, servant, stroller, or other disorderly person, as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her back; and in case one company of patrollers shall not be sufficient, to order more companies for the same service. And after every patrol, the officer of each party shall return to the Captain of the company to which he belongs, a report in writing upon oath (which oath such Captain is hereby empowered to administer) of the names of those of his party who were upon duty, and of the proceedings in such patrol; and such Captain shall once in every month deliver such patrol-returns to the commanding officer of the militia, by whom they shall be certified and delivered to the next Court-martial; and if they shall adjudge the patrollers to have performed their duty according to law, the chief officers shall certify the same to the County Court, who are thereupon empowered and required to levy twenty pounds of tobacco, or three shillings for every twelve hours each of them shall so patrol. And every commanding officer failing to appoint patrollers according to the directions of this Act, shall forfeit and pay ten pounds; and every person appointed to patrol, failing to do his duty, shall forfeit and pay twenty shillings for every such failure; which fines shall be laid, collected, accounted for, and appropriated, as is herein directed for laying, accounting for, and appropriating the several fines and penalties by this Act directed. *AND WHEREAS*, it is necessary that certain tribunals be described and instituted for the trial of offences, as they are to be viewed in a military light, as well as for enquiring into delinquencies and assessing fines thereon:

SECT. IX. *BE it therefore enacted*, That the Governor, with the advice of Council, shall have power to arrest the County-Lieutenant, or commanding officer of a County, and all other officers, for any misconduct whatever, and upon trial and conviction, may censure or cashier them. All officers under the County-Lieutenant, or commanding officer of a County, may also be arrested by such commanding officer, and reported to the Governor for trial, or at the option of such commanding officer, a General-Court-martial, to consist of thirteen officers, may, by his order, be held in the County for trial of such as shall be under the rank of a Field-Officer. The President of the said Court shall be a Field Officer, and six at least of the members shall be Captains; and where there is not a sufficient number of officers in any County to constitute a Court, where the arrest is made, the commanding officer of such County may call upon as many officers from the adjacent Counties as will be sufficient to make up a Court, and such Court may, on conviction, censure or cashier any officer so tried, and their sentence shall be final; saving to such officer an appeal to the Executive if he shall think proper, in which case the commanding officer shall furnish him with a copy of the proceedings of the said Court. Any non-commissioned officer or soldier offending, shall be tried by a like General-Court-martial, and may, on conviction, be censured or fined, at the discretion of the Court. For obtaining the necessary evidence for the trials aforesaid, the Governor, or commanding officer of the County (as the case may be) shall issue his summons, and any person so summoned, failing to attend, shall forfeit and pay, upon a summons from the Governor, ten pounds, and upon a summons of the commander of a County, five pounds; to be reported by the commanding officer amongst other delinquencies, to the Court aforesaid.

SECT. X. *AND be it further enacted*, That the commander of a County shall, on some day in the months of May and November (his general muster being over) summon all his Field-Officers and Captains, a majority of whom, one being a Field-Officer, shall form a Court of enquiry and assessment of fines. The said Court shall take the following oath, to be administered by any one of the Field-Officers to the other members, and afterwards by any one of them to him, to wit: "I ——— do swear that I will truly and faithfully enquire into all delinquencies which appear on the returns to be laid before me, and will assess the fines thereon as shall seem just, without favour, partiality, or affection. So help me GOD." The County-Lieutenant shall then lay before the said Court, all the delinquencies as directed by this Act, whereupon they shall proceed to hear and determine on them. All fines to be assessed by virtue of this Act, shall be collected by the Sheriff of the County, upon a list thereof certified by the commanding officer, and delivered to the Sheriff on or before the first day of January, in every year, who shall account for the same to the
B County

County-Lieutenant or his successor, in the manner directed, and be allowed the same commission as for other public monies, on or before the first day of November in the same year; and on failure, the commanding officer, or his successor, shall, on ten days previous notice, obtain judgment for the same in the County Court, with costs. And should any person so charged with fines, fail to make payment on or before the first day of May, in any year, the Sheriff is hereby authorized to make distress and sale therefor, in the same manner as is directed in the collection of the taxes. The commanding officer of every County shall, on or before the thirty-first day of December, in every year, render to the Executive an account upon oath, of all monies which have come into his hands by virtue of his office, and of his disbursements; and if there shall remain any money in his hands, the same shall be paid into the Treasury, in aid of the contingent fund. AND for enforcing obedience to this Act,

SECT. XI. *BE it enacted*, That the following forfeitures and penalties shall be incurred for delinquencies, *viz.* By the County-Lieutenant or commanding officer of a County, for failing to take any oath, to summon any Court or Board, to attend any Court or Board, to transmit any recommendation of an officer or officers to the Governor, to deliver any commission or commissions, to appoint a general muster, to attend such muster armed as required, to report delinquencies, to make a general return of his militia to the Governor, as is directed by this Act, shall for each and every such offence or neglect, forfeit and pay twenty pounds; failing to send into actual service any militia called for by the Governor, or to turn out his militia upon an invasion or insurrection of his County, fifty pounds: By a Colonel, for failing to take any oath, to attend any Court or Board, to appoint a regimental muster, or give notice of any general muster, to examine his regiment, to report delinquencies, or to make any return, as directed by this Act, he shall forfeit and pay for each and every offence or neglect, ten pounds; failing to call forth from his regiment, with due dispatch, any detachment of men and officers, armed and equipped, as shall from time to time be required by the commanding officer on any call from the Governor, invasion of, or insurrection in his County, or requisition of any neighbouring County, twenty-five pounds: Lieutenant-Colonel or Major, for failing to take any oath, to attend any Court or Board, to attend any muster armed as is herein directed, they shall respectively for each and every such offence or neglect, forfeit and pay eight pounds; failing to repair to their rendezvous when summoned upon any call of the Governor, invasion of, or insurrection in the County, or requisition of the commander of a neighbouring County, they shall each forfeit and pay sixteen pounds: By a Captain, for failing to take an oath, to attend any Court, to inroll his company, to appoint private musters, to give notice of a general or regimental muster, to attend any muster armed, to call his roll, examine his company, and report delinquencies, to make any return, as directed by this Act, he shall forfeit and pay for each and every such offence and neglect, six pounds; failing to call forth such officers and men, as the commanding officer from time to time shall order from his company, upon any call from the Governor, invasion of, or insurrection in the County, or requisition from an adjacent County, or failing on any such occasion to repair to the place of rendezvous, he shall forfeit and pay twelve pounds: By a Subaltern officer, for failing to take any oath, to attend any Court or muster, armed as directed, for each of the said offences he shall forfeit and pay three pounds; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the Governor, invasion of, or insurrection in the County, or requisition from a neighbouring County, he shall forfeit and pay six pounds: And moreover, the said officers, for any of the said offences, shall be liable to be arrested and tried for the same as military offenders: By a non-commissioned officer or soldier, for failing to attend at any muster with the arms, ammunition, and equipments, as directed by this Act, he shall forfeit and pay ten shillings; failing to repair to his rendezvous when ordered upon any call from the Governor, invasion of, or insurrection in the County, or requisition from a neighbouring County, he shall forfeit and pay two pounds. All arms, ammunition, and equipments, of the militia, shall be exempted from executions and distresses at all times, and their persons from arrests in civil cases, while going to, continuing at, or returning from musters, and while in actual service. Each Court or board, by this Act directed to be held, are empowered to appoint a Clerk and Provost-Martial; such Clerk shall keep a fair record of their proceedings, and together with the said Provost-Martial, receive such allowance, to be paid out of the fines arising from delinquencies, as the said Court or Board shall think reasonable. No arms or accoutrements, which may hereafter be lost in service, shall be paid for by the public, unless the loser shall be killed, wounded, or otherwise incapacitated in the opinion of a Court-martial, from preserving his arms. The militia of the City of Williamsburg and Borough of Norfolk, shall have their officers appointed and be under the same rules and regulations as the different Counties.

SECT. XII. *AND be it further enacted*, That the County-Lieutenant or commanding officer of each County, is hereby empowered to receive the commission of any Captain, or other inferior officer in his County, who may think proper to resign, and shall notify such resignation to the next succeeding Court, in order that such vacancies may be then supplied: *Provided*, That nothing herein contained shall be construed or taken to deprive the people called Quakers or Menonists, of any privilege granted them by any former law. *Provided also*, That the Governor, with advice of the Council, is hereby empowered to suspend the operation of this Act in the Counties on the Western Waters, so long as they may think proper.

SECT. XIII. *A L L* and every Act and Acts heretofore made for regulating and disciplining the militia, and guarding against invasions and insurrections, shall be, and the same are hereby repealed.

C H A P. II.

An ACT for the APPOINTMENT of HARBOUR-MASTERS, and declaring their DUTY.

SECTION I. **W**HEREAS it is represented that the appointment of Harbour-Masters would tend to the preservation of order and regularity in the several ports and harbours within this Commonwealth,

SECT. II. *BE it enacted*, That the County and Corporation Courts within this State shall, and they hereby authorized and empowered, to appoint so many persons as they may think necessary, to act as Harbour-Masters within their respective jurisdictions. And the person or persons so to be appointed, shall, previous to the entering on the said office, take the following oath before their County or Corporation Court, "I ——— do swear that I am a citizen of the Commonwealth of Virginia, and that I will well and truly perform the Duty of Harbour-Master to the best of my skill and judgment, without favor, affection, or partiality. So help me GOD."

SECT. III. *AND be it further enacted*, That the Harbour Masters to be appointed by virtue of this Act, shall have full and ample power to cause all ships and other vessels that may come within his district, to moor in such places as he shall judge most conducive for the general safety, and shall moreover direct the Masters or Commanders of vessels to rig in their jib-booms, or any other spars which may tend to obstruct the navigation. Any Master or Commander refusing to observe and comply with the said directions, shall forfeit and pay the sum of fifteen pounds, to the use of the Commonwealth; and shall moreover be subject for any damages that may accrue in consequence of such refusal, to be recovered in any Court of Record within this Commonwealth.

SECT. IV. *AND be it further enacted*, That the Harbour-Master shall cause every ship or other vessel that may come within his district, to be properly moored within twenty-four hours after their several arrivals. Any Harbour-Masters failing to give directions for the mooring of any vessels within the time prescribed by this Act, shall forfeit and pay fifteen pounds, for the use of the Commonwealth, to be recovered, by motion before the County or Corporation Court (as the case may be) on ten days previous notice, and shall moreover be liable to the action of the party injured for any damages sustained in consequence of such neglect. And the Harbour-Master shall moreover attend to the unmooring of all ships and other vessels within their respective districts; and in case any vessel moored shall by stress of weather or other accident, be drove from her mooring, the Harbour-Master shall attend to the re-mooring the same, and be entitled to half fees for such service.

SECT. V. *AND be it further enacted*, That the Harbour-Masters shall demand, and be entitled to receive from all Masters or Commanders of square-rigged vessels, the sum of ten shillings, and for all schooners and sloops, the sum of six Shillings, and no more: *Provided nevertheless*, That no Master or Commander of any river or bay craft, shall be subject to the payment of any fee by this Act imposed.

SECT. VI. *THIS Act* to commence and be in force from and after the first day of January, one thousand seven hundred and eighty-six.

C H A P. III.

An ACT to provide for the appointment of DELEGATES to represent this COMMONWEALTH in CONGRESS, until the first Monday in November next.

SECTION I. **B**E it enacted by the General Assembly, That five Delegates shall be chosen by joint ballot of both Houses, to represent this Commonwealth in Congress from the time of their appointment, until the first Monday of November, one thousand seven hundred and eighty-six, three of whom at least shall be constantly attending the duties of their office. The persons so appointed, shall each of them have from the Governor a credential varied so as to suit the present occasion, and shall be entitled to the same allowances as are provided by an Act, intitled "An Act for regulating the appointment of Delegates to Congress."

C H A P. IV.

An ACT to provide for the POOR of the several COUNTIES within this COMMONWEALTH.

SECTION I. **B**E it enacted by the General Assembly, That the Court of every County within this Commonwealth, at their session to be held in the month of March next after the passing of this Act, shall cause their said County to be laid off into convenient districts, and shall direct the Sheriff of their County to cause publication to be made, that on some convenient day to be appointed by the said Court, an election will be held within each district, to consist of freeholders and house-keepers only, for the purpose of chusing three discreet, fit, and proper persons, being freeholders of and resident within the same, who shall be called and denominated Overseers of the Poor, and shall continue and be in office for and during the term of three years; at the expiration whereof other triennial elections shall be made in manner herein before directed; and the said Court shall, at the same time, appoint some person in each district, to superintend the election. And the said Overseers, upon notice to them respectively being given by the person appointed in their district to superintend the election, of their being duly elected, they, or a majority of them shall meet together at some convenient place within their respective districts, between the first day of April, and the first day of August, in every year, and shall levy and assess upon the tithables within their said County (a copy of the list of which shall be furnished them by the Clerk of the County) competent sums of money, or tobacco in lieu thereof at a stated price, to be paid at the option of the party chargeable therewith, for the necessary relief and support of all such poor, lame, impotent, blind, and other inhabitants of their said County as are not able to maintain themselves.

SECT.

SECT. II. *AND* *it is enacted*, That the Overseers of the poor in each district, shall monthly make returns to the Court of their County of the poor orphans in their district, and the said Court is hereby authorized to direct the said Overseers, or either of them, to bind out such poor orphans, apprentices to such person or persons as the Court on due enquiry shall approve of, and the indentures of such apprentices shall be filed in the office of the Clerk of the County, and not transferable to any person whatsoever, without the approbation of the Court. The said Overseers shall, on or before the tenth day of August annually, make up in a book to be kept for that purpose, an exact account of the persons to and for whom such monies are to be paid, the purposes for which, and the particular sums, a transcript of which, they shall once in every year return to the Court, to be there entered of record; a copy of which they shall also, on or before the same day, deliver to the Collector of the public taxes, who is hereby authorized and required to collect the same, together with the list of persons chargeable with the poor rates, and of the sum each person is liable to pay; which Collector shall give bond with good security to the Court for the faithful discharge of his duty herein, and shall have the same powers to collect the said poor rates, and have the same commission, and be subject to the same fines, forfeitures and prosecutions, as in the case of County levies. The said Collector shall pay the money or tobacco, as the case may be, to the several persons, or to their order, for whom it was levied, on or before the first day of October in every year; and in default thereof, it shall be lawful for the Court of the County to render judgment for the same, with costs, on complaint of the party, or on motion by the Overseers; provided that the Collector has ten days previous notice of such motion.

SECT. III. *AND* *it is further enacted*, That the same power and authority given to, and vested in a Churchwarden, by an Act, intituled "An Act for the relief of Parishes from such charges as arise from bastard children born within the same," passed in the year of our Lord one thousand seven hundred and sixty-nine, is hereby given to the several Overseers of the poor respectively, who shall perform the same duties as by that Act are required to be performed by a Churchwarden. And the said Overseers of the poor in each County, shall have power and authority to call on the late Churchwardens in their Counties or Parishes, for a settlement of their parochial accounts, and shall receive any money in their hands belonging to the Parish, heretofore levied for the support of the poor, to be applied to the debts contracted in support of the Parish poor. And in case any Churchwardens shall refuse to pay to the Overseers of the Poor in the County in which such Churchwardens acted, the balance which shall appear to be in their hands on settlement being made, as aforesaid, it shall be lawful for the County Court to render judgment for the same, with costs, on complaint of the said Overseers of the Poor, or their Attorney; provided such Churchwarden shall have ten days previous notice of such motion. And the Court of every County within this Commonwealth shall be, and they are hereby authorized and required, whereof public notice shall be previously given by the Sheriff, to levy and assess upon the titable persons in their respective Counties, all Parish charges which shall have accrued since the last laying of the levy of the Parishes within their respective Counties, and before the first day of April next; and the Collector of the public taxes, shall collect and receive such levy, and pay the same to the person entitled thereto, shall have the same commission, and on refusal to pay, be liable to the same penalty and judgments as the Collector of the Poor Rates is entitled and made liable to. And to prevent vagrants and others, not basking themselves to honest occupations, becoming burthenome to the industrious and useful part of the community, it is necessary that the Overseers in each district should be, and they are hereby empowered to compel and put all such to work, so long as such person or persons shall continue within their district and are likely to become chargeable to the County. *AND* *WHEREAS*, by the dissolution of the Vestries, and abridging their future powers, no processioners of land can legally be appointed;

SECT. IV. *BE* *it enacted*, That the Overseers of the poor, appointed by this Act, shall have the same powers, and are required to perform the same duty which was formerly prescribed for the different Vestries under the direction of the different County Courts, who are hereby empowered and required to make the like orders, and observe the same rules, as is directed by the Act, intituled "An Act for settling the titles and bounds of lands, and for preventing unlawful hunting and ranging."

CHAP. V.

An ACT for the NATURALIZATION of the MARQUIS DE LA FAYETTE.

SECTION I. *WHEREAS* the MARQUIS DE LA FAYETTE is eminently distinguished, by early and signal exertions in defence of American liberty: And whereas this illustrious Nobleman continues to afford testimonies of unceasing affection to this State, and the General Assembly being solicitous to bestow the most decisive mark of regard which a Republic can give;

SECT. II. *BE* *it enacted*, That the Marquis de la Fayette be henceforth deemed and considered a citizen of this State, and that he shall enjoy all the rights, privileges, and immunities, thereunto belonging.

CHAP. VI.

An ACT for securing to the AUTHORS of LITERARY WORKS an exclusive PROPERTY therein for a limited Time.

SECTION I. *BE* *it enacted by the General Assembly*, That the Author of any book or pamphlet already printed, being a citizen of any one of the United States, who has not transferred to any other person or persons the copy or copies of such book, or pamphlet, share, or shares thereof, his heirs and assigns, or the person or persons who have purchased or acquired such copy or copies, share or shares, in order to print or re-print the same, his heirs and assigns shall have the exclusive right of printing and re-printing such book or pamphlet, within this Commonwealth, for the term of twenty-one years, to be computed from the first publication thereof; and that the Author of any book or pamphlet already composed and not printed or published, or that shall hereafter be composed, being a citizen, as aforesaid, his heirs and assigns shall have the exclusive right of printing and re-printing such book or pamphlet, within this Commonwealth, for the like term of twenty-one years, to be computed from the first publication thereof. And if any person or persons whatsoever, shall print, re-print, or cause to be printed or re-printed, within this Commonwealth, any such book or pamphlet; or shall import into this Commonwealth, from any foreign Kingdom or State, any printed or re-printed copies of such book or pamphlet, without the consent of the Author or Proprietor thereof first obtained in writing, signed in presence of two credible witnesses at least, or who, knowing the same to be so printed, re-printed, or imported, without such consent

sent first had and obtained, shall publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy or copies of any such book or pamphlet; the person or persons offending herein, shall forfeit to the party injured, double the value of all the copies so printed, reprinted, or imported; or so published, sold, or exposed to sale; to be recovered at the suit of such party, in any Court of Record within this Commonwealth.

SECT. II. *PROVIDED nevertheless*, That no person shall be entitled to the benefit of this Act, until he shall have registered the title of such book or pamphlet with the Clerk of the Council, and procured a certificate of such registry from the said Clerk; which certificate the Clerk is hereby required to give, taking only three shillings for his trouble.

CHAP. VII.

An ACT to impose ADDITIONAL TONNAGE on BRITISH VESSELS.

BE it enacted, That the several Naval-Officers shall, from and after the first day of February next, receive from the Captain or Commander of every ship or vessel trading to this Commonwealth, owned wholly or in part by a British subject, at entrance five shillings per ton, including the tonnage heretofore imposed. And the Naval-Officer of each District, where he has reason to suspect that any ship or vessel is registered at less tonnage than her real burthen, shall be empowered to go on board the said ship or vessel, and make a measurement of her agreeable to the Carpenter's tonnage in this State; which said tonnage shall be accounted for, and paid into the Treasury by the several Naval-Officers, in the same manner as the tonnage heretofore imposed.

CHAP. VIII.

An ACT for reforming the COUNTY COURTS, and for other purposes.

SECTION I. **W**HEREAS the methods hitherto established for the administration of justice within this Commonwealth have proved ineffectual, and the various kinds of business cognizable by the County Courts, render it necessary that certain Sessions of the said Court should be set apart for the trial of suits depending in the said Courts, and other Sessions, for the transaction of other business;

SECT. II. *BE it enacted*, That Courts shall be held in each County, on the several days of holding Courts in the respective Counties, in the months of March, May, August, and November, in every year, for the trial of all suits at common law and in chancery, petitions for debt, presentments, and criminal prosecutions, depending in the said Courts; and if through sickness, or other disability, badness of weather, or other accident, it shall so happen that a sufficient number of Justices shall not meet, for holding the said Courts on the days herein before appointed, in any such case it shall and may be lawful for anyone Justice to adjourn the Court from day to day, not exceeding three days, until a sufficient number can attend to hold a Court.

SECT. III. *AND be it further enacted*, That all imparlances to be taken, and pleadings to be filed, and all proceedings to be had in suits depending in the County Court, both in common law and in chancery, until an issue is joined, or interlocutory judgment or decree entered, shall be done at rules, to be held monthly, in the Clerk's office, on such day as the Court, at their Quarterly Sessions shall appoint; which rules and proceedings shall be fairly and distinctly entered in a book to be kept for that purpose; and the Clerk shall be allowed the same fees for entering such rules, as if the entries had been made in Court. And all rules to declare, plead, reply, rejoin, or for other proceedings, shall be given from month to month, and shall be made and entered with the Clerk of the Court in the same manner as the rules are made and entered with the Clerk of the General Court in suits depending in that Court. *Provided nevertheless*, That the Court may, at their Quarterly Session, which shall be held next after any of the said rules and proceedings to be had in the Clerk's office, for good cause to them shewn, set aside any of the said rules and proceedings, and make such order concerning the same, as to them shall appear just and right. All original process to bring any person or persons to answer in any action, suit, indictment, or information in the said Court, and all subsequent process thereon, all attachments, or other writs of what nature soever, all process in chancery, awarded by the said Court, and all attachments issued by a Magistrate, shall be returnable on the first day of the next succeeding Quarterly Court. Special bail may be taken in Court, at the Quarterly Sessions; or any Justice when the Court is not sitting, may take recognizance of special bail in any action therein depending, which shall be taken *de bene esse*, and returned by the Justice taking the same, to the Clerk of the Court, before the next succeeding Quarterly Court, to be filed with the papers in such action; and if the plaintiff, or his attorney, shall see cause to except to the sufficiency of the bail so taken, notice of such intended exception shall be given to the defendant, or his attorney, at least five days previous to the day on which such exception shall be taken; and if such bail shall be adjudged insufficient by the Court, the recognizance thereof shall be discharged, and such proceedings shall be had as if no such bail had been taken. The same proceedings shall be had against the common bail in any suit, and the Sheriff or either of them, and they or either of them, may have the same remedy against the defendant or his executors or administrators, in the County Courts at their Quarterly Sessions, as may be had in the General Court in such cases. The Clerk shall proportion the causes upon the docket in the same manner as the Clerk of the General Court now does; from the first day of the

Court, to the sixth, if in his opinion so many days will be expended in determining the causes ready for trial, and issue subpoenas for witnesses to attend on the days to which the causes stand for trial. When any witness resides out of this Commonwealth, or shall be about to depart the same, or by age, sickness, or otherwise shall be unable to attend, the Court upon affidavit thereof, the Court when they are sitting, or any Justice thereof in vacation, may, on request of either party, direct a commission to be issued by the Clerk of the Court, for taking the deposition of such witness, *de bene esse*, to be read as evidence at the trial, in case the witness shall then be unable to attend; but the party obtaining such commission, shall give reasonable notice to the other party of the time and place of taking such deposition, otherwise the same shall be void. If any party, in any suit at common law, or in chancery, shall make oath, that he verily believes his claim or defence (as the case may be) or a material point thereof, depends on a single witness, the Court, or any Justice thereof, may award a commission to take the deposition of such witness, *de bene esse*, although he or she be not about to depart the country, nor under any disability, the party in such case, giving reasonable notice of taking such deposition, to the adverse party. If any person summoned as a witness, and attending the Court or Commissioners appointed to take his or her deposition, as aforesaid, shall refuse to give evidence on oath, or affirmation (as the case may be) to the best of his or her knowledge, every person so refusing, shall be committed to prison, either by the Court or Commissioners, there to remain without bail or mainprize, until he or she shall give such evidence. The County Court at their Quarterly Session, are hereby empowered to proceed in the same manner against any defendant residing out of the Country, or absconding to avoid being served with the process of such Court, and shall have the same power over his estate and effects, as the High Court of Chancery now have and exercise in such cases; and may hear and determine all caveats against grants for land lying within the limits of the jurisdiction of the said Courts respectively; except within the Counties composing the District of Kentucky. The person entering any caveat, shall take from the Surveyor of the County, before he shall return his plat and survey to the Register's office, or from the Register, after such return, a certified copy thereof, which within thirty days thereafter, shall be delivered to the Clerk of the County, where the land lies, or such caveat shall become void; the said Clerk, on receiving the same, shall enter it in a book, and thereupon issue a summons, reciting the cause for which such caveat is entered, and requiring the defendant to appear on the first day of the next succeeding Quarterly Court, and defend his or her right; and on such process being returned executed, the same proceedings shall be had thereupon as by law is directed to be had in such cases in the General Court. All executions which shall hereafter be issued on judgments obtained in the County Courts, shall be returnable to the succeeding Quarterly Session of the Court of the County, wherein such judgment was or shall be obtained. And where any final judgment shall be entered up in the office, against any defendant or defendants and their securities, or against any defendant or defendants, and Sheriff by default, execution may issue thereupon, unless the same shall be set aside before the end of the second day of the Quarterly Session next succeeding the entering up such judgment, in like manner, and on such conditions, as office judgments in the General Court may now be set aside.

SECT. IV. *AND be it further enacted*, That the respective County Courts shall sit in the months of January, February, April, June, July, September, October, and December, in every year, on the respective days appointed by the laws now in force for holding the said Courts in those months, for the transaction of all matters cognizable by the said Courts, except suits in chancery, and causes properly triable by a Jury in open Court or points of law, upon demurrer, special verdicts, or cases agreed. The Sheriff of each County shall, before every Court of Quarter Sessions, summon twenty-four freeholders of his County, qualified as the law directs, for Grand-Jurors, to appear at the next succeeding Court of Quarter Sessions; which twenty-four men, or any sixteen of them, shall be a Grand-Jury, and shall enquire of and present all crimes, misdemeanors, or breach of penal laws, agreeable to an Act of Assembly, intituled "An Act concerning Juries," whatsoever, which shall be committed within their County, cognizable before the County Courts.

SECT. V. *AND be it further enacted*, That if any suit shall be dismissed for non-attendance of an attorney, practising either in the superior or inferior Courts, not having a just and reasonable excuse, it shall be at his costs, and he shall moreover be liable for all damage his client shall sustain by such dismissal (or any other neglect of his duty) to be recovered in any Court of Record in this Commonwealth. And every attorney receiving money for his client, and refusing to pay the same when demanded, shall, in a summary way, be proceeded against, on notice before any Court of Record, in the same manner as Sheriffs are liable to be proceeded against, for money received on executions.

SECT. VI. *AND be it further enacted*, That all and every other Act and Acts, Clause and Clauses, heretofore made for or concerning any matter or thing, within the purview of this Act, shall be, and are hereby repealed; and this Act shall commence, and be in force, from and after the last day of April next.

CHAPTER IX.

An ACT concerning the erection of the District of KENTUCKY, into an independent STATE.

SECT. I. **W**HEREAS it is represented to be the desire of the good people inhabiting the district known by the name of the Kentucky District, that the same should be separated from this Commonwealth whereof it is a part, and be formed into an independent member of the American confederacy, and it is judged by the General Assembly that such a partition of the Commonwealth is rendered expedient by the remoteness of the more fertile, which must be

be the more populous part of the said District, and by the interjacent natural impediments to a convenient and regular communication therewith.

SECT. II. *BE it enacted by the General Assembly,* That in the month of August next, on the respective Court-days of the Counties within the said District, and at the respective places of holding Courts therein, Representatives to continue in appointment for one year, and to compose a Convention, with the powers, and for the purposes hereinafter mentioned, shall be elected by the free male inhabitants of each County in like manner as Delegates to the General Assembly have been elected within the said District, in the proportions following: In the County of Jefferson shall be elected five Representatives, in the County of Nelson five Representatives, in the County of Fayette five Representatives, in the County of Bourbon five Representatives, in the County of Lincoln five Representatives, in the County of Madison five Representatives, and in the County of Mercer five Representatives. That full opportunity may be given to the good people, of exercising their right of suffrage on an occasion so interesting to them, each of the officers holding such elections, shall continue the same from day to day, passing over Sunday, for five days, including the first day, shall cause the Act to be read on each day, immediately preceding the opening of the election, at the door of the Court-house, or other convenient place, and shall fix up two copies at least, of this Act in the most public situations at the place of election, twenty days before the commencement thereof. Each of the said officers shall deliver to each person duly elected a Representative a certificate of his election, and shall moreover transmit a general return to the Clerk of the Supreme Court of the District, to be by him laid before the Convention. For every neglect of any of the duties hereby enjoined on such officer, he shall forfeit one hundred pounds, to be recovered by action of debt, by any person suing for the same. The said Convention shall be held at Danville, on the fourth Monday of September, and as soon as two-thirds of the Representatives shall be convened, they shall and may proceed, after choosing a President and other proper officers, and settling the proper rules of proceeding, to consider, and by a majority of voices, to determine, whether it be expedient for, and be the will of the good people of the said District, that the same be erected into an independent State, on the terms and conditions following:

First. That the boundary between the proposed State and Virginia, shall remain the same as at present separates the District from the residue of the Commonwealth.

Second. That the proposed State shall take upon itself a just proportion of the public debt of this Commonwealth.

Third. That all private rights and interests in lands within the said District, derived from the laws of Virginia, prior to such separation, shall remain valid and secure under the laws of the proposed State, and shall be determined by the laws now existing in this State.

Fourth. That the lands within the proposed State of non-resident proprietors, shall not in any case be taxed higher than the lands of residents at any time prior to the admission of the proposed State to a vote by its Delegates in Congress, where such non-residents reside out of the United States; nor at any time either before or after such admission, where such non-residents reside within this Commonwealth, within which this stipulation shall be reciprocal; or where such non-residents reside within any other of the United States, which shall declare the same to be reciprocal within its limits; nor shall a neglect of cultivation or improvement of any land within either the proposed State, or this Commonwealth, belonging to non-residents, citizens of the other, subject such non-residents to forfeiture or other penalty, within the term of six years after the admission of the said State into the Federal Union.

Fifth. That no grant of land, nor land warrant to be issued by the proposed State, shall interfere with any warrant heretofore issued from the Land-Office of Virginia, which shall be located on land within the said District now liable thereto; on or before the first day of September, one thousand seven hundred and eighty-eight.

Sixth. That the unlocated lands within the said District, which stand appropriated by the laws of this Commonwealth to individuals or descriptions of individuals, for military or other services, shall be exempt from the disposition of the proposed State; and shall remain subject to be disposed of by the Commonwealth of Virginia, according to such appropriation, until the first day of September, one thousand seven hundred and eighty-eight, and no longer; and thereafter the residue of all lands remaining within the limits of the said District, shall be subject to the disposition of the proposed State.

Seventh. That the use and navigation of the River Ohio, so far as the territory of the proposed State, or the territory which shall remain within the limits of this Commonwealth lies thereon, shall be free and common to citizens of the United States; and the respective jurisdictions of this Commonwealth, and of the proposed State, on the River as aforesaid, shall be concurrent only with the States which may possess the opposite shores of the said River.

Eighth. That in case any complaint or dispute shall at any time arise between the Commonwealth of Virginia and the said District, after it shall be an independent State, concerning the meaning or execution of the foregoing articles, the same shall be determined by six Commissioners, of whom two shall be chosen by each of the parties, and the remainder by the Commissioners so first appointed.

SECT. III. *AND be it further enacted,* That if the said Convention shall approve of an erection of the said district into an independent State, on the foregoing terms and conditions, they shall and may proceed to fix a day posterior to the first day of September, one thousand seven hundred and eighty-seven, on which the authority of this Commonwealth, and of its laws, under the exceptions aforesaid, shall cease and determine for ever, over the proposed State, and the said articles become a solemn compact, mutually binding on the parties, and unalterable by either without the consent of the other. *Provided however,* that prior to the first day of June, one thousand seven hundred and eighty-seven, the United States in Congress shall assent to the erection of the said District into an independent State, shall release this Commonwealth from all its federal obligations arising from the said district, as being part thereof; and shall agree that the proposed State shall immediately after the day to be fixed as aforesaid, posterior to the first day of September, one thousand seven hundred and eighty-seven, or at some convenient time future thereto, be admitted into the Federal Union. And to the end that no period of anarchy may happen to the good people of the proposed State; it is to be understood that the said Convention shall have authority to take the necessary provisional measures for the election and meeting of a Convention at some time prior to the day fixed for the determination of the authority of this Commonwealth, and of its laws over the said district, and posterior to the first day of June, one thousand seven hundred and eighty-seven, aforesaid, with full power and authority to frame and establish a fundamental constitution of government for the proposed State, and to declare what laws shall be in force therein, until the same shall be abrogated or altered by the legislative authority acting under the constitution so to be framed and established.

SECT. IV. THIS Act shall be transmitted by the Executive to the Delegates representing this Commonwealth in Congress, who are hereby instructed to use their endeavors to obtain from Congress a speedy Act, to the effect above specified.

CHAP. X.

An ACT punishing certain OFFENCES, and vesting the GOVERNOR with certain POWERS.

SECTION I. *WHEREAS* it is the true interest and policy of this Commonwealth, that the constitution, sovereignty, and independence thereof, should at all times be maintained and supported, and it is highly criminal in any person or persons to alienate the citizens of the State from their attachment and allegiance to the same:

SECT. II. *BE it therefore enacted by the General Assembly,* That every person or persons who shall erect or establish, or cause and procure to be erected or established, any government separate from

from or independent of the government of Virginia, within the limits thereof, unless, by Act of the Legislature of this Commonwealth for that purpose first obtained; or who shall in any such usurped government, hold or execute any office, legislative, executive, judiciary, or ministerial, by whatever name such office may be distinguished or called; or who shall swear or otherwise solemnly profess allegiance or fidelity to the same; or who shall under pretext of authority derived from or protection afforded by such usurped government, resist or oppose the due execution of the laws of this Commonwealth; shall be adjudged guilty of high treason, and shall be proceeded against and punished in the same manner as other traitors may be proceeded against and punished by the laws now in force.

SECT. III. *AND be it further enacted*, That every person who shall attempt to establish such government by any other means than with the assent of the Legislature of this Commonwealth, and in pursuance of such attempts, shall join with any other person or persons in any overt act for promoting such attempts, or who shall by writing, or advised speaking, endeavor to instigate the people of this Commonwealth to erect or establish such government, without such assent as aforesaid, shall be adjudged guilty of a high crime and misdemeanor, and on conviction, shall be subject to such pains and penalties, not extending to life or member, as the Court, before whom the conviction shall be, shall adjudge.

SECT. IV. *AND be it further enacted*, That in case any combination for establishing such government, shall become so powerful as to obstruct the due execution of the laws of this Commonwealth in the ordinary course of proceeding, within any County or Counties thereof, it shall and may be lawful for the Governor, with the advice of the Council, to call out the militia of this State to suppress such combination, and to employ them in the same manner as he may do by law in cases of invasion or insurrection.

C H A P. XI.

An ACT to amend the ACT intituled "An ACT for vesting in GEORGE WASHINGTON, Esq; a certain interest in the COMPANIES established for opening and extending the navigation of JAMES and POTOWMACK rivers."

SECTION I. **W**HEREAS by an Act, intituled "An Act for vesting in George Washington, Esq; a certain interest in the Companies established for opening and extending the navigation of James and Potowmack rivers," and reciting, "that whereas it is the desire of the representatives of this Commonwealth to embrace every suitable occasion of testifying their sense of the unexampled merits of George Washington, Esq; towards his country; and it is their wish in particular, that those great works for its improvement, which, both as springing from the liberty which he has been so instrumental in establishing, and as encouraged by his patronage, will be durable monuments of his glory, may be made monuments also of the gratitude of his country:" It is enacted, "that the Treasurer be directed in addition to the subscriptions he is already authorized to make to the respective undertakings for opening the navigations of Potowmack and James rivers, to subscribe to the amount of fifty shares to the former and one hundred shares to the latter, to be paid in like manner with the subscriptions above mentioned; and that the shares so subscribed be and the same are hereby vested in George Washington, Esq; his heirs and assigns forever, in as effectual a manner as if the subscriptions had been made by himself or by his Attorney." **AND WHEREAS**, the said George Washington, Esq; in his letter addressed to the Governor, which has been laid before the General Assembly, hath expressed his sentiments thereupon, in the words following, to wit: "Your Excellency having been pleased to transmit me a copy of the act appropriating to my benefit certain shares in the Companies for opening the navigation of James and Potowmack rivers, I take the liberty of returning to the General Assembly, through your hands, the profound and grateful acknowledgements, inspired by so signal a mark of their beneficent intentions towards me. I beg you, Sir, to assure them, that I am filled on this occasion with every sentiment which can flow from a heart warm with love for my country—sensible to every token of its approbation and affection—and solicitous to testify, in every instance, a respectful submission to its wishes: With these sentiments in my bosom, I need not dwell on the anxiety I feel, in being obliged, in this instance, to decline a favour, which is rendered no less flattering by the manner in which it is conveyed, than it is affectionate in itself. In explaining this obligation, I pass over a comparison of my endeavours in the public service with the many honourable testimonies of approbation which have already so far over-rated and over-paid them; reciting one consideration only, which supercedes the necessity of recurring to every other. When I was first called to the station with which I was honoured during the late conflict for our liberties—to the diffidence which I had so many reasons to feel in accepting it, I thought it my duty to join a firm resolution to shut my hand against every pecuniary recompence; to this resolution I have invariably adhered—from this resolution (if I had the inclination) I do not consider myself at liberty to depart. Whilst I repeat, therefore, my fervent acknowledgments to the Legislature for their very kind sentiments and intentions in my favour, and at the same time beg them to be persuaded, that a remembrance of this singular proof of their goodness towards me, will never cease to cherish returns of the warmest affection and gratitude, I must pray, that their act, so far as it has for its object my personal emolument, may not have its effect: But if it should please the General Assembly to permit me to turn the destination of the fund vested in me, from my private emoluments, to objects

of a public nature, it will be my study in selecting these, to prove the sincerity of my gratitude for the honour conferred on me, by preferring such as may appear most subservient to the enlightened and patriotic views of the Legislature." AND WHEREAS the desire of the General Assembly to mark by the provision above mentioned, their sense of the illustrious merits of the said George Washington, Esq; at the same time that it is strengthened by this fresh and endearing proof of his title to the gratitude of his country, is superseded by their respect for his disinterested wishes and patriotic views:

SECT. II. *BE it enacted*, that the said recited act, so far as it vests in George Washington, Esq; and his heirs, the shares therein directed to be subscribed in his name, shall be, and the same is hereby repealed.

SECT. III. *AND be it further enacted*, that the said shares with the tolls and profits hereafter accruing therefrom, shall stand appropriated to such objects of a public nature, in such manner, and under such distributions, as the said George Washington, Esq; by deed during his life, or by his last will and testament, shall direct and appoint.

CHAP. XII.

An ACT to suspend the operation of the Act, intituled "An Act for the ESTABLISHMENT of COURTS of ASSIZE."

BE it enacted by the General Assembly, That the operation of the Act, intituled "An Act for the establishment of Courts of Assize," be, and the same is hereby suspended until the first day of January, one thousand seven hundred and eighty-seven; and that in the mean time the General Court shall proceed in all things, in the same manner as if the said Act had never passed.

CHAP. XIII.

An ACT empowering the GOVERNOR, with the advice of the PRIVY COUNCIL, to grant CONDITIONAL PARDONS in certain cases.

SECTION I. **B**E it enacted by the General Assembly, That it shall be lawful for the Governor, and he is hereby empowered, with the advice of the Council of State, to pardon or reprieve any person or persons adjudged or sentenced to suffer death for a felonious offence, upon such conditions of bodily labour to be performed by each person so pardoned or reprieved, as to the Governor, with the advice of Council, shall seem proper. *Provided always*, That no conditional pardon shall be granted by the Governor, for murder or treason.

SECT. II. *AND be it further enacted*, That if any person pardoned or reprieved by the Executive, on condition of hard labour to be performed by such person, shall make his or her escape during the term of his or her condemnation to such labour, it shall and may be lawful for the Governor, by proclamation, to declare such person to be out-lawed, and it shall thereafter be lawful for any person to kill or in any manner to destroy such out-law, without being liable to any pain or penalty for so doing; or to apprehend and return him or her to the public jail of this Commonwealth, where he shall be safely kept until the next succeeding General Court, when the Attorney General shall cause the identity of such out-law to be ascertained by the verdict of a Jury, which being found, the Court shall direct their former sentence passed upon such person to be carried into execution, at any time within ten days after such sentence shall be revived.

SECT. III. *THIS Act shall continue and be in force*, from the passing thereof, until the last day of December, one thousand seven hundred and eighty-six, and no longer.

CHAP. XIV.

An ACT for better securing the REVENUE arising from CUSTOMS.

SECTION I. **W**HEREAS many frauds have been practised and committed by the owners or commanders of vessels trading to this Commonwealth, by their failing to enter the same according to law, whereby great loss has resulted to the public on the duties payable on goods, wares, and merchandize: For remedy whereof in future,

SECT. II. *BE it enacted*, That if the owner or commanding officer of any vessel trading to this State, shall fail to enter the same, together with her cargo, in the manner prescribed by law, and pay or secure to be paid the duties arising thereon, such vessel, together with her rigging, tackle, apparel, and furniture, and such part of the cargo as shall not have been duly entered, shall be liable to be seized by any person or persons who shall detect such vessel; to be prosecuted and condemned before the Court of Admiralty, one half to the use of the informer, and the other half to the use of the Commonwealth.

SECT. III. *AND be it further enacted*, That the lower district of James River shall from and after the passing of this Act, extend from Back River Point up James River, including the several creeks and inlets thereof; and that the district of Elizabeth River shall commence at Cape Henry, and extend upwards on the South side of James River, including the several creeks and inlets thereof.

SECT. IV. *AND be it further enacted,* That the Governor, with advice of Council, shall commission the necessary officers for the State boats *Liberty* and *Patriot*; and direct the number of men for each, together with so many searchers as they shall think necessary; and make a reasonable allowance to them for their services.

SECT. V. *AND be it further enacted,* That the Naval-Office, commonly called the upper district of James River, shall be, and the same is hereby discontinued.

SECT. VI. *AND be it further enacted,* That if any vessel and cargo shall be libelled by any person or persons for not entering the same agreeable to law, and upon trial, such libel shall be dismissed with costs, such costs shall not be taxed against nor recovered of the libellant or libellants, nor shall they be liable for any damages in consequence of such seizure; provided the Court shall be of opinion that there was probable cause for making the same.

CHAP. XV.

An ACT giving POWERS to the GOVERNOR and COUNCIL in certain cases.

BE it enacted by the General Assembly, That it shall and may be lawful for the Governor, with the advice of the Council of State, to apprehend and secure, or cause to be apprehended and secured, or compelled to depart this Commonwealth, all suspicious persons, being the subjects of any foreign power or State, who shall have made a declaration of war, or actually commenced hostilities against the said States, or from whom the United States in Congress, shall apprehend hostile designs against the said States; provided information thereof shall have been previously received by the Executive from Congress: And that in all such cases, the Governor, with the advice of the Council of State, shall, and he is hereby empowered, to send for the person and papers of any foreigner within this State, in order to obtain such information as he may judge necessary. All Sheriffs and Jailers shall receive such suspicious persons whom, by warrant from the Governor they shall be commanded to receive, and them in their prisons or custody detain, or transport out of the Commonwealth, as by such warrant they may be commanded. And all others the good citizens of this Commonwealth, shall be aiding and assisting in apprehending, securing, or transporting any such suspicious person, when commanded by warrant or proclamation of the Governor, or required by the Sheriff or Jailer to whose custody such suspicious persons may have been committed. Every person acting under the authority aforesaid, shall be indemnified from all suits to be commenced or prosecuted for any action or thing done by virtue thereof, and may plead the general issue, and give this Act in evidence: Saving always to the merchants of any foreign State, betwixt whom and the United States of America war shall have arisen, and to their families, agents, and servants, found in this Commonwealth at the beginning of the war, the privileges allowed by law.

CHAP. XVI.

An ACT for regulating and fixing the Salaries of the OFFICERS of CIVIL GOVERNMENT.

SECTION I. **W**HEREAS the salaries allowed by law to the officers of civil government, have been found to exceed a proper and adequate compensation for their services:

SECT. II. *BE it therefore enacted,* That from and after the first day of November next, the several officers herein after-mentioned, shall receive for their salaries, in quarterly payments, after the same shall have been audited according to law: To the Governor or Chief Magistrate, the sum of eight hundred pounds: To the Members of the Privy Council, the sum of two thousand pounds, to be divided amongst them according to their attendance: To each Delegate of this Commonwealth in Congress, the sum of six dollars per day while attending on, travelling to, and returning from Congress: To the Attorney-General, the sum of two hundred pounds per annum: To each Auditor of Public Accounts, the sum of three hundred pounds per annum: To the Solicitor-General, the sum of three hundred pounds per annum: To the Speaker of the Senate, the sum of twenty shillings per day, during each session of Assembly, including his daily pay: To the Speaker of the House of Delegates, the sum of forty shillings per day, in like manner: To the Clerk of the General Court, for his *ex officio* services, the sum of fifty pounds per annum: To the Register of the Land-Office and his Clerks, the sum of eight hundred pounds per annum: To the Deputy-Register, two hundred pounds per annum: To the Treasurer, the sum of five hundred pounds per annum: To the first Clerk of the Treasury, the sum of one hundred and fifty pounds per annum; and to each of the other Clerks of the Treasury, Auditors, and Solicitor-General, the sum of one hundred pounds per annum: And to the Keeper of the Public Jail, the sum of one hundred pounds per annum.

SECT. III. *AND be it further enacted,* That all those several sums shall be paid in specie or in civil list warrants, and the Auditor is hereby authorized to audit the same, and issue his warrants upon the Treasury accordingly.

SECT. IV. *AND be it further enacted,* That so much of any other Act or Acts, as comes within the purview of this Act, shall be, and the same is hereby repealed.

An ACT to approve, confirm, and ratify the COMPACT made by certain COMMISSIONERS appointed by the General Assembly of the State of Maryland and COMMISSIONERS appointed by this Commonwealth.

SECTION I. **W**HEREAS, at a meeting of the Commissioners appointed by the General Assembly of the State of Maryland and Virginia, to wit, Daniel of St. Thomas Jenifer, Thomas Stone, and Samuel Chase, Esquires, on the part of the State of Maryland, and George Mason and Alexander Henderson, Esquires, on the part of the State of Virginia, at Mount-Vernon, in Virginia, on the 28th day of March, in the year one thousand seven hundred and eighty-five, the following compact was mutually agreed to by the said Commissioners:

First.—THE Commonwealth of Virginia disclaims all right to impose any toll, duty, or charge, prohibition or restraint, on any vessel whatever sailing through the Capes of Chesapeake Bay to the State of Maryland, or from the said State through the said Capes outward bound; and agrees that the waters of Chesapeake Bay, and the River Pocomoke, within the limits of Virginia, be forever considered as a common high-way, free for the use and navigation of any vessel belonging to the said State of Maryland, or any of its citizens, or carrying on any commerce to or from the said State, or with any of its citizens; and that every such vessel inward or outward bound, may freely enter any of the rivers within the Commonwealth of Virginia as a harbour, or for safety against an enemy, without the payment of port duties, or any other charge; and also, that the before-mentioned parts of Chesapeake Bay, and Pocomoke River, be free for the navigation of vessels from one part of the State of Maryland to another.

Second.—THE State of Maryland agrees that any vessel belonging to the Commonwealth of Virginia, or any of its citizens, or carrying on commerce to or from the said Commonwealth, or with any of its citizens, may freely enter any of the rivers of the said State of Maryland as a harbour, or for safety against an enemy, without the payment of any port duty, or other charge.

Third.—VESSELS of war, the property of either State, shall not be subject to the payment of any port duty or other charge.

Fourth.—VESSELS not exceeding forty feet keel, nor fifty tons burthen, the property of any citizen of Virginia or Maryland, or of citizens of both States, trading from one State to the other only, and having on board only the produce of the said States, may enter and trade in any part of either State, with a permit from the Naval-Officer of the district from which such vessel departs with her cargo, and shall be subject to no port charges.

Fifth.—ALL merchant vessels (except such as are described in the fourth article) navigating the River Potowmack, shall enter and clear at some Naval-Office on the said river, in one or both States, according to the laws of the State in which the entry shall be made. And where any vessel shall make an entry in both States, such vessel shall be subject to tonnage in each State only in proportion to the commodities carried to, or taken from, such State.

Sixth.—THE River Potowmack shall be considered as a common high-way, for the purpose of navigation and commerce to the citizens of Virginia, and Maryland, and of the United States, and to all other persons in amity with the said States, trading to or from Virginia or Maryland.

Seventh.—THE citizens of each State respectively shall have full property in the shores of Potowmack River adjoining their lands, with all emoluments and advantages thereunto belonging, and the privilege of making and carrying out wharves and other improvements, so as not to obstruct or injure the navigation of the river; but the right of fishing in the river shall be common to, and equally enjoyed by the citizens of both States: *Provided*, That such common right be not exercised by the citizens of the one State, to the hindrance or disturbance of the fisheries on the shores of the other State; and that the citizens of neither State shall have a right to fish with nets or seines on the shores of the other.

Eighth.—ALL laws and regulations which may be necessary for the preservation of fish, or for the performance of quarantine, in the River Potowmack, or for preserving and keeping open the channel and navigation thereof, or of the River Pocomoke, within the limits of Virginia, by preventing the throwing out ballast, or giving any other obstruction thereto, shall be made with the mutual consent and approbation of both States.

Ninth.—LIGHT-HOUSES, beacons, buoys, or other necessary signals, shall be erected, fixed, and maintained upon Chesapeake Bay, between the sea and the mouths of the Rivers Potowmack and Pocomoke, and upon the River Potowmack, at the expence of both States. If upon Potowmack River, at the joint and equal charge of both States; and if upon the before-mentioned part of Chesapeake Bay, Virginia shall defray five parts, and Maryland three parts of such expence; and if this proportion shall in future times be found unequal, the same shall be corrected. And for ascertaining the proper places, mode, and plans for erecting and fixing light-houses, buoys, beacons, and other signals, as aforesaid, both States shall, upon the application of either to the other, appoint an equal number of Commissioners, not less than three nor more than five from each State, to meet at such times and places as the said Commissioners, or a major part of them, shall judge fit, to fix upon the proper places, mode, and plans for erecting and fixing such light-houses, beacons, or other signals, and report the same, with an estimate of the expence, to the Legislatures of both States, for their approbation.

Tenth.—ALL piracies, crimes, or offences committed on that part of Chesapeake Bay which lies within the limits of Virginia, or that part of the said Bay where the line of division from the South point of Potowmack River (now called Smith's Point) to Watkins's Point, near the mouth

of Pocomoke River, may be doubtful; and on that part of Pocomoke River, within the limits of Virginia, or where the line of division between the two States upon the said river, is doubtful; by any persons not citizens of the Commonwealth of Virginia, against the citizens of Maryland, shall be tried in the Court of the State of Maryland which hath legal cognizance of such offence: And all piracies, crimes, and offences committed on the before-mentioned parts of Chesapeake Bay and Pocomoke river, by any persons not citizens of Maryland, against any citizen of Virginia, shall be tried in the Court of the Commonwealth of Virginia which hath legal cognizance of such offence. All piracies, crimes, and offences committed on the said parts of Chesapeake Bay and Pocomoke River, by persons not citizens of either State, against persons not citizens of either State, shall be tried in the Court of the Commonwealth of Virginia having legal cognizance of such offences: And all piracies, crimes, and offences committed on the said parts of Chesapeake Bay and Pocomoke River, by any citizen of the Commonwealth of Virginia, or of the State of Maryland, either against the other, shall be tried in the Court of that State of which the offender is a citizen. The jurisdiction of each State over the River Potowmack, shall be exercised in the same manner as is prescribed for the before-mentioned parts of Chesapeake Bay and Pocomoke River, in every respect, except in the case of piracies, crimes, and offences committed by persons not citizens of either State, upon persons not citizens of either State, in which case the offenders shall be tried by the Court of the State to which they shall first be brought. And if the inhabitants of either State shall commit any violence, injury, or trespass, to or upon the property or lands of the other, adjacent to the said Bay or Rivers, or to any person upon such lands, upon proof of due notice to the offender to appear and answer, any Court of Record, or Civil Magistrate of the State where the offence shall have been committed, having jurisdiction thereof, may enter the appearance of such person, and proceed to trial and judgment, in the same manner as if legal process had been served on such offender; and such judgment shall be valid and effectual against the person and property of such offender, both in the State where the offence shall have been committed, and also in the State where the said offender may reside, and execution may be issued by the Court, or Magistrate, giving such judgment, in the same manner as upon judgments given in other cases; or upon a transcript of such judgment, properly authenticated, being produced to any Court, or Magistrate, of the State where such offender may reside, having jurisdiction within the State, or County where the offender may reside, in cases of a similar nature, such Court, or Magistrate, shall order execution to issue upon such authenticated judgment in the same manner, and to the same extent, as if the judgment had been given by the Court, or Magistrate, to which such transcript shall be exhibited.

Eleventh,—ANY vessel entering into any port on the River Potowmack, may be libelled, or attached for debt, by process from the State in which such vessel entered. And if the commercial regulations of either State shall be violated by any person carrying on commerce in Potowmack or Pocomoke Rivers, the vessel owned or commanded by the person so offending, and the property on board, may be seized, by process from the State whose laws are offended, in order for trial. And if any person shall fly from justice, in a civil or criminal case, or shall attempt to defraud creditors by removing his property, such person, or any property so removed, may be taken on any part of Chesapeake Bay, or the rivers aforesaid, by process of the State from which such person shall fly, or property be removed; and process from the State of Virginia may be served on any part of the said rivers, upon any person, or property of any person not a citizen of Maryland, indebted to any citizen of Virginia, or charged with injury having been by him committed; and process from the State of Maryland may be served on any part of the said rivers, upon any person, or property of any person, not a citizen of Virginia, indebted to a citizen of Maryland, or charged with injury by him committed. And in all cases of trial in pursuance of the jurisdiction settled by this compact, citizens of either State shall attend as witnesses in the other, upon a summons from any Court, or Magistrate, having jurisdiction, being served by a proper officer of the County where such citizen shall reside.

Twelfth,—THE citizens of either State having lands in the other, shall have full liberty to transport to their own State, the produce of such lands, or to remove their effects, free from any duty, tax, or charge whatsoever, for the liberty to remove such produce or effects.

Thirteenth,—These articles shall be laid before the Legislatures of Virginia and Maryland, and their approbation being obtained, shall be confirmed and ratified by a law of each State, never to be repealed, or altered, by either, without the consent of the other.

SECT. II. AND WHEREAS this General Assembly are of opinion that the said compact is made on just and mutual principles for the true interest of both governments, and the same having been confirmed by the General Assembly of the State of Maryland; *BE it therefore enacted*, That the said compact is hereby approved, confirmed, and ratified by the General Assembly of Virginia, and that every article, clause, matter and thing therein contained, shall be obligatory on this State and the citizens thereof, and shall be forever faithfully and inviolably observed and kept by this government and all its citizens, according to the true intent and meaning of the said compact; and the faith and honour of this State is hereby solemnly pledged and engaged to the General Assembly of the State of Maryland, and the government and citizens thereof, that this law shall never be repealed, or altered, by the Legislature of this Commonwealth, without the consent of the State of Maryland.

An ACT to amend the Act, intituled "An Act to amend and reduce the several Acts for appropriating the PUBLIC REVENUE into one Act."

SECT. I. **W**HEREAS the United States in Congress assembled, have by their Act of the twenty-seventh of September last, made a requisition of three millions of dollars, to be paid by the several States in the Union, on or before the first day of May next; and have stated the proportion to be paid by this State, at five hundred and twelve thousand nine hundred and seventy-four dollars; and whereas, this Assembly is ever desirous to make provision for the punctual and honorable discharge of their proportion of the debts and expences of the federal government:

SECT. II. *Be it therefore enacted*, That instead of four hundred thousand dollars, formerly appropriated for Continental purposes, there shall be paid by the Treasurer of this Commonwealth, on or before the first day of May next, to such person or persons as may be by the United States in Congress assembled, duly authorized to receive the same, the aforesaid sum of five hundred and twelve thousand nine hundred and seventy-four dollars; one-third of which payment shall be made in Spanish milled dollars, or other silver or gold coin equivalent thereto; and the other two-thirds shall be paid in Certificates granted for the interest due upon Loan-Office Certificates, and upon other Certificates of the liquidated debts of the United States, as described in the before-recited Act of Congress of the twenty-seventh of September last: *Provided always*, That if the amount of the aforesaid Interest Certificates in the hands of the Treasurer, shall on the first day of January, one thousand seven hundred and eighty-seven, fall short of two-thirds of the above sum of five hundred and twelve thousand nine hundred and seventy-four dollars, the deficiency shall be paid by the Treasurer in Spanish milled dollars, or other silver or gold coin equivalent thereto. AND for assuring full and complete payment of the aforesaid sum of five hundred and twelve thousand nine hundred and seventy-four dollars,

SECT. III. *BE it enacted*, That all the arrearages of the land and slave tax heretofore appropriated to the payment of this State's quota of the debts of the United States, shall be applied in discharge thereof, and also so much of the revenue arising from half the slave tax, and from the land tax, for the years one thousand seven hundred and eighty-five, and one thousand seven hundred and eighty-six, which have been heretofore appropriated to the payment of this State's quota of the debts of the United States, shall be applied thereto, until the said amount is fully paid; and should the said funds not prove sufficient to make good the aforesaid payment, in the year one thousand seven hundred and eighty-six, the deficiency shall be made good from any money arising from the general fund not heretofore appropriated; and if the said funds shall, within the course of the year one thousand seven hundred and eighty-six, yield more money than will pay the aforesaid sum to Congress, such excess shall be applied in aid of the general fund.

SECT. IV. *AND be it further enacted*, That the Treasurer of this Commonwealth shall transmit to the Board of Treasury of the United States, once in every month, a state of all sums paid by him on account of the United States, to their Commissioner of the Loan-Office, or to such other person or persons as may be duly authorized to receive the same, expressing the dates and amounts of the respective payments, and distinguishing the sums paid in actual money, from those payments made in Interest Certificates. AND WHEREAS Congress have directed every Commissioner of the Continental Loan-Office, previously to settling and issuing Certificates as aforesaid, for the interest due on Certificates of liquidated debts other than Loan-Office Certificates, to administer an oath or affirmation, or require a Certificate signed by one of the persons whom the State in which the Commissioner resides, shall, in the legislative act complying with the requisition aforesaid of the twenty-seventh of September, one thousand seven hundred and eighty-five, appoint, that he has administered to the owner or possessor of every such Certificate, an oath or affirmation, that the same is bona-fide the property of the particular State in which the said Commissioner resides; or of a citizen or citizens of the said State, or of some corporate body or charitable institution within the same, or of some person who is not a citizen of any of the United States, describing the Certificate or Certificates alluded to in every such oath or affirmation, in such manner as shall be necessary to identify the same; and it becomes therefore necessary to authorize certain persons to administer such oath or affirmation in this State:

SECT. V. *BE it therefore enacted*, That every Justice of the Peace within this Commonwealth shall be, and is hereby authorized and empowered, to administer such oath or affirmation, and to give a Certificate thereof, according to a form which the Commissioner of the Continental Loan Office in this State shall prescribe, and publish six weeks successively in the public newspapers of this State. AND WHEREAS, by an Act passed during the present session, all persons chargeable with certain taxes, being part of the revenue for one thousand seven hundred and eighty-five, not yet collected, are permitted to pay a certain proportion thereof in Continental Interest Certificates, as described aforesaid, and it will contribute to the relief of the people of this Commonwealth, to extend the same to the collection of the revenue of one thousand seven hundred and eighty-six, in such proportion, that a sufficient amount of such Interest Certificates may be collected, as will pay two-thirds of this State's quota to the United States:

SECT. VI. *BE it therefore enacted*, That every person chargeable with the Revenue tax for one thousand seven hundred and eighty-six, under the Act "To amend and reduce the several Acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one Act," may pay one-third part of such taxes in Certificates granted by any Commissioner of Continental Loans in any of the United States, for the interest due upon Loan-Office Certificates, or upon other Certificates of the liquidated debts of the United States; and such Sheriff or Collector, upon payment thereof into the public Treasury, shall be allowed a discount for all such Interest Certificates so by him collected: *Provided always*, That the amount thereof shall not exceed one-third part of the taxes by him collected.

SECT. VII. *AND be it further enacted*, That two thousand pounds of the money arising annually from the tonnage of vessels, and from the duties upon goods, wares, and merchandizes, imported into this Commonwealth, shall be appropriated to defraying the expences of the boats Liberty and Patriot, under the direction of the Executive.

SECT. VIII. *BE it enacted*, That the Treasurer be authorized and directed to make good the subscription to the Potowmack and James river Companies, in behalf of the State, as the several dividends may from time to time be applied for by the President and Directors of the said Companies, out of the surplus of any public monies arising under the several laws for the inspection of Tobacco. The sum of eighty thousand pounds shall be paid in the years one thousand seven hundred and eighty-six, and one thousand seven hundred and eighty-seven, in discharge of debts due to persons who are not citizens of this State; all the nett revenue arising from the duty of two and an half per centum, on merchandise imported, and from the tax on law process and alienations, shall be applied to this purpose. In aid of the said funds shall also be applied, after making good former appropriations, all the money arising from the sale of the Gosport lands which have already been sold, or which may be hereafter sold, if the Governor shall, with the advice of Council, think proper to direct a further sale of the same; the apportionment of the said sum shall be made amongst the said creditors of the Public in such manner and in such proportions, as the Governor, with the advice of Council, shall direct, except where any of the said creditors shall be entitled to a preference in consequence of any Act or resolution of the General Assembly, directing the same to be paid out of the funds aforesaid, and such preference to be given. Warrants for the said payments shall be drawn by the Auditors of Public Accounts, in favour of such persons as the Governor, with the advice aforesaid, shall specially direct; and the said Warrants shall express that the same are to be received in payment for the Gosport lands, and shall be countersigned by the Governor or Chief Magistrate of this Commonwealth. AND WHEREAS no provision hath yet been made for the payment of the Tobacco borrowed for the use of this Commonwealth, under the resolution of the May session, one thousand seven hundred and eighty;

SECT. IX. *BE it therefore enacted*, That the Governor shall take such measures as shall to him, with advice of Council, seem just and equitable, for ascertaining the value of such Tobacco in money; for the payment whereof, and interest thereon

thereon at the rate of six per cent. from the delivery of such tobacco; warrants shall be granted by the Auditors of Public Accounts, by special direction of the Governor, with advice aforesaid, to the persons entitled thereto; the fund for payment whereof shall be the money arising on or before the first day of October next, from three shillings per hoghead imposed on tobacco exported, agreeably to an Act "To appoint Commissioners to state and settle the losses sustained by the burning of the warehouses at Rocky Ridge," first complying with the purposes of the said Act: And provided the money arising under the said Act shall not be sufficient fully to comply with the purposes aforesaid, on or before the first day of October next, the deficiency shall be made good out of the general fund; and if there shall be any excess or overplus by the said first day of October, the same shall be applied in aid of the general fund. The said warrants shall also express that the same shall be received by any Sheriff or Collector of public taxes, in payment of any specie tax, and the same shall be so received; and such Sheriff or Collector, on payment thereof into the public treasury, shall have the same allowed accordingly.

SECT. X. *AND be it further enacted*, That a sufficient sum to pay the balances due for building houses for the reception of hemp, agreeably to an Act, intituled, "An Act for the inspection of hemp," shall also be drawn from the surplus which may arise under the laws for the inspection of tobacco, the claims being first audited according to law, if so much remain after making good former appropriations.

SECT. XI. *AND be it further enacted*, That a sum not exceeding six hundred pounds, out of the contingent fund, be set apart for the purposes of the public hospital in the City of Williamsburg, upon warrants from the Auditors, under order of the Executive, on application of the Board of Directors.

C H A P. XIX.

An ACT for improving the NAVIGATION of the South Branch of POTOWMACK RIVER.

BE it enacted by the General Assembly, That the owner or proprietors of any and every mill on the South branch of Potowmack River, from the mouth thereof upwards, to the North fork, shall, and they are hereby directed and required, respectively, on or before the first day of January, one thousand seven hundred and eighty-seven; to make and fix in each mill-dam, a proper slope for the passage of fish up the same, and moreover to cut or cause to be cut, a canal or race, by means of which boats navigated in the said river, may conveniently and safely pass up or down the same, without being impeded by such mill-dams. If such slope and canal be not made at each mill-dam, on or before the day aforesaid; for every twenty-four hours thereafter that the party neglects or fails therein, he shall forfeit and pay the sum of five pounds to any person who will sue for the same; to be recovered, with costs, by action of debt, or information, in any Court of Record within this Commonwealth, and applied, one half towards clearing the said river, and the other half to the use of the person suing therefor. All hedges and other stops to the navigation of the said river, within the limits aforesaid, made or placed therein (mill-dams excepted) shall be removed and destroyed by the person or persons who made or placed the same; and that in future, no hedge or stop in any wise obstructing the course or passage of the said river, shall be placed or set therein. And if any person shall presume to make and place, or cause to be made and placed, any artificial obstruction in the said river, within the limits aforesaid, in any manner tending to impede the navigation thereof, it shall be lawful for any person to pull up and destroy the same, and the party shall moreover forfeit and pay the sum of five pounds for every twenty-four hours such artificial obstruction shall remain therein; to be recovered, with costs, by action of debt, or information, in any Court of Record, one moiety to the use of the person who will sue for the same, and the other moiety to be applied towards clearing and improving the navigation of the said river.

C H A P. XX.

An ACT establishing INSPECTIONS of TOBACCO at Crow's ferry, in the County of Botetouft, and on the lands of Thomas Cresap, in the County of Hampshire, and for other purposes.

SECTION I. **W**HEREAS it hath been represented to this present General Assembly, that it would be of great utility and a public convenience, to establish warehouses for the reception and inspection of tobacco at Crow's ferry, on James River, and at the confluence of the North and South branches of Potowmack, in the forks of the said river, on the lands of Thomas Cresap, in the County of Hampshire, the proprietors whereof are willing to build the same at their own expence:

SECT. II. *BE it therefore enacted*, That an inspection of tobacco shall be, and the same is hereby established, on the lands of William Crow, in the County of Botetouft, to be called and known by the name of Crow's warehouse; and on the land of Thomas Cresap, at the confluence of the North and South branches of Potowmack, in the County of Hampshire, to be called and known by the name of Cresap's warehouse: That the Inspectors at the said warehouses, upon the delivery of their notes, or an order where notes have not been issued, shall deliver the tobacco for transportation, with a printed manifest descriptive of the owner's name, the name of the skipper of the batteau or canoes if transported by water, or if waggoned, the name of the waggoner, to what warehouse or port the same is destined, and to whom to be delivered; the said manifest shall moreover express the marks, numbers, and weights of the tobacco, and each hoghead shall be stamped with the name of the warehouse at which it was inspected; which manifest shall by the skipper or waggoner (as the case may be) if the tobacco is intended to be sent to any warehouse heretofore established, be delivered to the Inspectors thereof, who are hereby required to receive the same and grant a receipt therefor, and enter such tobacco in a separate book

to be by them provided and kept for that purpose, and on the receipt aforesaid being presented, shall deliver the said tobacco, with the manifests, for exportation, when required, and may demand for all such tobacco the same warehouse rent as for other tobacco by them inspected, and the sum of one shilling for each hoghead, to the use of the Inspectors for their trouble in receiving and delivering the same. *Provided always*, That nothing in this Act contained shall be construed to prevent any owner of tobacco passed at the said inspections, who has previously paid the legal duties, from exporting, selling, or storing the same in any private warehouse, without being obliged to store the same in any warehouse heretofore established. AND to prevent fraud where the owner of the tobacco inspected at either of the said warehouses may incline to export the same by land to any of the United States;

SECT. III. *BE it enacted*, That the owner thereof, previous to the delivery of the tobacco, shall procure a duplicate of the manifest, with a certificate from the Inspectors that the duties imposed by law on such tobacco have been paid; which certificate, with all others granted in similar cases, shall be lodged with the Clerk of the Court of that County where the tobacco was inspected, to be by him transmitted to the Auditors of Public Accounts, on or before the twenty-fifth day of October annually, to be by them compared with the Inspectors accounts. And in case the owner of the tobacco shall suspect any fraud to have been practised or used by any skipper or waggoner in the transportation thereof from either of the said warehouses, it shall be lawful for the Inspectors at any warehouse to which the same may be brought, and they are hereby required, at the request of such owner, to re-inspect and weigh the same, and if found to be damaged or embezzled, the Inspectors shall not enter the same in their books, but it shall remain subject to the directions of the owner, in like manner as other damaged tobacco.

SECT. IV. *AND be it further enacted*, That the appointment of Inspectors, and all other regulations appertaining to the said warehouses, shall be the same as is provided for by law for other inspections, so far as the same do not contravene this Act. All tobacco inspected at either of the said warehouses, shall be subject to the same duties and imposts, and be collected and accounted for by the Inspectors in the same manner and under the like penalties, as are directed and prescribed for other warehouses heretofore established. And the Inspectors at each of the said warehouses, may demand and receive for each hoghead by them inspected, the sum of four shillings, one shilling whereof to be by them accounted for and paid to the proprietor for the rent of the warehouse, and the residue for their own use. *Provided nevertheless*, That no person shall be obliged to receive any notes, passed at any of the said warehouses, in discharge of any tobacco contracts heretofore entered into. AND WHEREAS great advantages may be derived to the Commonwealth, by encouraging the manufacture of tobacco;

SECT. V. *BE it therefore enacted*, That the Inspectors at the several warehouses within this Commonwealth, shall deliver any inspected tobacco to any person or persons who shall duly demand such tobacco for the purpose of manufacturing the same, and grant him or them a manifest therefor, upon such persons paying the usual duties, and lodging with them a certificate of his or their having before some Court of Record within this Commonwealth entered into bond, with sufficient security, in the penalty of one thousand pounds, payable to the Governor and his successors, for the use of the Commonwealth; with condition that he or they will not export, or cause, or suffer to be exported, either by land or water, any tobacco received by him or them for the purpose of manufacturing, until it has been so manufactured: *Nevertheless*, it shall be lawful to export any such manufactured tobacco, affidavit being made before a Magistrate that the said tobacco had been inspected and passed at some inspection before the same was manufactured, although the same be not packed in hogheads; any law to the contrary, notwithstanding.

C H A P. XXI.

An ACT for establishing an INSPECTION of TOBACCO at Kinsale, and discontinuing that at Rust's warehouse, and for other purposes.

SECTION I. *BE it enacted by the General Assembly*, That the inspection of tobacco at Rust's warehouse, in the County of Westmoreland, shall, from and after the tenth day of February next, be discontinued, and thenceforth an inspection of tobacco shall be, and the same is hereby established on the lands of Catesby Jones, in the Town of Kinsale, to be called and known by the name of Kinsale; provided the said Jones shall build convenient houses at his own expence. The transfer notes issued by the Inspectors thereof, shall be payable for public dues in like manner as those of Rust's warehouse, and shall be under the same inspection with Yeocomico.

SECT. II. *AND be it further enacted*, That from and after the first day of October next, the inspection of tobacco at Robert Bolling's warehouse, shall be removed to, and established on the lands of the proprietors thereof adjoining to Bolling's and Tabb's mill; and that convenient and proper houses shall be built thereon at the expence of the proprietors. The inspection of tobacco at Shepherd's warehouse, in the County of King and Queen, shall be, and the same is hereby revived and established, for and during the term of two years.

SECT. III. *AND be it further enacted*, That the inspection of tobacco in the Town of Suffolk is hereby revived and established, the proprietors of the land being willing to rebuild convenient houses thereon.

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SECT. IV. *PROVIDED* always, and be it further enacted, That if at the expiration of two years from the passing of this Act, the quantity of tobacco taken at Suffolk warehouse shall not be sufficient to pay the rents and Inspectors salaries, that thenceforth the said inspection shall be discontinued. There shall be allowed and paid annually, to each of the Inspectors at Shepherd's, the sum of twenty-five pounds; to each of the Inspectors at Suffolk, the sum of twenty-five pounds; to each of the Inspectors at Petersburg warehouse, the sum of eighty pounds; and to each of the Inspectors at John Bolling's, the sum of seventy pounds; and no more. AND WHEREAS, by an Act of Assembly passed in May, one thousand seven hundred and eighty-three, intituled "An Act to amend and reduce the several Acts of Assembly for the inspection of tobacco, into one Act," it is among other things declared and enacted, "that in case any of the said warehouses therein named, shall not after the first day of October next, and before the first day of October, one thousand seven hundred and eighty-five, receive a sufficient quantity of tobacco to pay the Inspectors salaries and rents of the warehouses, the inspection of tobacco at such warehouses respectively shall be thenceforth discontinued, unless the same shall be supported at private expence: *Provided*, That this clause shall not extend to the discontinuance at one time, of two or more warehouses which may be in the same County, or County next adjacent; but in such cases that warehouse shall be discontinued to which the smallest quantity of tobacco may be brought in the years aforesaid." And it is judged expedient that the operation of the said clause should be suspended:

SECT. V. *BE it therefore enacted*, That the operation of the said clause shall be, and the same is hereby suspended, from and after the said first day of October last, until the first day of October, one thousand seven hundred and eighty-seven.

CHAP. XXII.

An ACT for establishing certain INSPECTIONS of TOBACCO.

SECTION I. WHEREAS it has been represented to this present General Assembly, that it would be of great public utility to establish warehouses for the reception and inspection of tobacco at John Lynch's ferry, on the land of the said Lynch on James River, in the County of Campbell; and at the Point of Fork, in the County of Fluvanna, on the lands of David Ross; and that the proprietors of the said lands are willing to build convenient houses at their own expence:

SECT. II. *BE it therefore enacted*, That inspections of tobacco shall be, and the same are hereby established, on the land of the said John Lynch, at his ferry in the said County of Campbell, to be called and known by the name of Lynch's; and at the Point of Fork, in the County of Fluvanna, on the lands of David Ross, to be called and known by the name of Rivanna warehouse. There shall be allowed and paid annually, to each of the Inspectors at the said warehouses, the sum of thirty pounds for their salary. The Inspectors at the said warehouses, upon the delivery of their notes, or an order where they have not issued notes, shall deliver the tobacco for transportation, with a manifest of the same, expressing the owner's name, the name of the skipper of the batteau or canoe, with the marks, number, and weight of the tobacco, and stamped with the warehouse's name; which tobacco, with the manifest, shall be delivered to the Inspectors at Byrd's, Shockoe's, Manchester, Rocky Ridge, or Rockett's, who are hereby required to receive the same, and enter the said tobacco agreeable to the said manifest, in books to be by them provided and kept for that purpose, and grant their receipts for the same to the owners thereof, and be delivered for exportation, when required. The Inspectors at the last mentioned warehouses are hereby empowered to examine and weigh any tobacco to them delivered, when required by the owner thereof, and if found to be damaged or embezzled, the same shall not be entered in the books, but remain in the warehouse, subject to the direction of the owner, in like manner as other damaged tobacco.

SECT. III. *BE it further enacted*, That the Inspectors at each of the said warehouses of Byrd's, Shockoe's, Manchester, Rocky Ridge, or Rockett's, shall demand and receive for all tobacco brought to the said warehouses, by virtue of this Act, the same warehouse rent as is allowed for tobacco reloaded from on board any vessel, and be appropriated in the manner directed by law for the appropriation of the tax or rent on such reloaded tobacco. The impost and duty on tobacco inspected at the said warehouses, shall be the same, and collected, accounted for, and paid in like manner as is directed and prescribed by law for other tobacco inspections, except where it shall be otherwise particularly directed by this Act.

SECT. IV. *AND be it further enacted*, That the County Courts of Campbell and Fluvanna, be empowered, and they are hereby required, to recommend fit persons for each of the said inspections in the months of March or April next, to inspect all tobacco that shall be brought to the said warehouses. *Provided nevertheless*, That no person shall be obliged to receive any notes, for tobacco passed at either of the said warehouses, in discharge of any tobacco contract heretofore entered into.

C H A P. XXIII.

An ACT to amend the Act "For opening and extending the NAVIGATION of POTOW-MACK RIVER."

SECTION I. **W**HEREAS the President and Directors of the Potowmack Company, by their petition to this General Assembly on behalf of the said Company, have set forth, that in pursuance of the Acts of Assembly of this State, and of Maryland, intituled "An Act for opening and extending the navigation of Potowmack River," they purpose to make a canal on one level to be supplied by the current of the river from a little above the Great Falls of Potowmack, to a convenient place below those Falls, where they design to effect a communication with the bed of the river by connected locks, and that they are under the strongest impressions, if any canal and locks should be found necessary or useful at the Little Falls of the said river, that another such cut on one level and a waste of the whole fall by a set of locks at tide-water, will be preferable there on every account; and that, as the depth of the water in such canals will be encreased on the rise of the water in the river, so as to permit an easy passage for all such boats and rafts as can pass in the river, even less than two feet depth of water in the said canals in dry seasons, with the certain necessary encrease on the rise of the river, will be fully sufficient, instead of the four feet required by the said Acts, to answer all useful purposes; and that, cutting the said canals four feet below the level of the water in dry seasons, will very greatly and uselessly enhance the expence of the canals, occasion considerable delay in the work, and render it in a degree less secure—they have therefore prayed that Acts of the Assemblies of both States, may pass, making it necessary that such canals contain two feet only, instead of the four feet required by the said Acts, and if the levels should be broken by locks placed apart from each other, that the first level may necessarily contain only two feet depth, and the other, or rest, four; all which suggestions appearing to this General Assembly to be true, and the prayer of the said petition to be reasonable:

SECT. II. *BE it enacted by the General Assembly, That any canal which shall be cut or made on one level by the Potowmack Company, at the Great or Little Falls of Potowmack River, supplied by the current of that river, containing two feet of water at the least in dry seasons, and communicating again with the river by locks, if necessary, the spaces between the locks, if they should be placed distant from each other, containing four feet depth of water, shall be equally available to every intent and purpose as if the whole of such canal had been made to contain four feet depth of water, agreeable to the directions of the said Acts; any thing in the said Acts to the contrary, notwithstanding.*

SECT. III. *THIS Act to take place as such, on a similar law being passed by the Legislature of Maryland, and not otherwise.*

C H A P. XXIV.

An ACT for adding part of the COUNTY of NANSEMOND to that of SOUTHAMPTON.

B*E it enacted by the General Assembly, That from and after the first day of March next, all that part of Nansemond County lying South of the Rivers Blackwater and Nottoway, shall be added to and made part of the County of Southampton. The Court of the said County of Nansemond shall have jurisdiction of all actions and suits, in law or equity, depending before them on the said first day of March. Provided always, That nothing herein contained shall be construed to hinder the Sheriff or Collector of the said County of Nansemond, from collecting and making distress for any levies, taxes, or officers fees, which may be due and unpaid by the inhabitants of that part of the said County hereby added to the County of Southampton; but such Sheriff or Collector may collect and distrain for the same, and shall be answerable in like manner, as if this Act had not been made.*

C H A P. XXV.

An ACT for forming a new COUNTY out of the Counties of Bedford and Henry.

SECTION I. **B***E it enacted by the General Assembly, That all that part of the County of Bedford lying South of Staunton River, together with so much of the County of Henry lying North of a line to be run from the head of Shooting Creek, to the West end of Turkey Cock Mountain; thence along the top of the Mountain to intersect the dividing line between the Counties of Henry and Pittsylvania; thence along that line to the mouth of Blackwater River; shall from and after the first day of January next, form a distinct County, and be called and known by the name of Franklin: That a Court for the said County of Franklin shall be held by the Justices thereof on the first Monday in every month, after such County shall take place, in like manner as is provided by law for other Counties, and shall be by their commissions directed. That the Justices to be named in the commission of the peace for the said County of Franklin, shall meet at the house of James Callaway, at his ironworks in the said County, upon the first Court-day after the said County shall take place; and having taken the oaths pre-*

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scribed by law, and administered the oath of office to, and taken bond of the Sheriff, according to law, proceed to appoint and qualify a Clerk, and fix upon a place for holding Courts in the said County at or as near the centre thereof as the situation and convenience will admit of; and thenceforth the said Court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding Courts as they shall think proper. *Provided always*, That the appointment of a place for holding Courts, and of a Clerk, shall not be made unless a majority of the Justices of the said County be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the County, in such case the appointment shall be postponed until some Court-day when a majority shall be present. The Governor, with advice of the Council, shall appoint a person to be first Sheriff of the said County, who shall continue in office during the term, and upon the same conditions, as is by law appointed for other Sheriffs.

SECT. II. *PROVIDED also, and be it further enacted*, That it shall and may be lawful for the Sheriffs of each of the said Counties of Bedford and Henry, to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants thereof at the time the said County shall take place, and shall be accountable for the same in like manner as if this Act had never been made. And that the Courts of the said Counties of Bedford and Henry, shall have jurisdiction of all actions and suits, in law or equity, which shall be depending before them at the time the said County shall take place, and shall try and determine the same, and issue process, and award execution thereon. In all future elections of Senators, the said County of Franklin shall be of the same District as the Counties of Bedford and Henry.

CHAP. XXVI.

An ACT for ascertaining a part of the BOUNDARY LINE between the Counties of Goochland and Fluvanna.

SECTION I. **W**HEREAS part of the line between the Counties of Goochland and Fluvanna, cannot be clearly ascertained in consequence of the destruction of the marked trees;

SECT. II. *BE it therefore enacted*, That a straight line shall be run from the bank of James River, beginning at a rock called Golgotha, a small distance below Ross's ferry landing, to a marked tree in the line between the said Counties standing near the road, leading from Goochland Court-house to Fluvanna Court-house. The said line to be run in the presence of a Magistrate from each County, and at the expence of the County of Fluvanna.

CHAP. XXVII.

An ACT appropriating certain arrears of PUBLIC TAXES to the opening a WAGGON ROAD from the Eastern to the Western Waters.

SECTION I. **W**HEREAS the Commissioners appointed pursuant to a resolution of the General Assembly at the last session, to examine the most convenient course for a road from the highest navigable part of James River, to the nearest navigable part of the waters running into the Ohio, have reported the practicability of the same; and it appears to this Assembly that the opening the said road will greatly co-operate with and facilitate the scheme for opening and extending the navigation of the said river, and that the expence thereof may be defrayed by a mode convenient to the public, and productive of ease and relief to the inhabitants of the County of Greenbrier (through which the said road must pass) who from their exposed situation to the incursions of the Savages, their recent settlement in that County, and distance from navigation, are unable to discharge their taxes, without great distress, but are willing and desirous to discharge the same by labour, or in supplies necessary for the opening the said road, which, when effected, will remove the disability in future of paying the public taxes, and produce great benefit, by opening trade and communication with the Western Country:

SECT. II. *BE it therefore enacted by the General Assembly*, That Samuel Brown, James Henderson, William Poage, Andrew Donnelly, and George Clendinen, gentlemen, or a majority of them, shall be, and they are hereby authorized and required, after having severally taken an oath before the Court of the said County of Greenbrier, and entered into bond, with security, in the penal sum of ten thousand pounds, payable to the Governor and his successors, for the use of the Commonwealth, for the due, faithful, and impartial execution of their office, to appoint a time and place of meeting, giving two months previous notice thereof by advertisement at the Court-house door of each of the Counties of Greenbrier, Augusta, Rockbridge, and Botetourt, and then and there proceed to let to the lowest bidder, the opening a waggon road at least thirty feet wide, from the Town of Lewisburg in Greenbrier, to the lower falls of the Great Kanawa, to be finished and completed fit for the use of waggons, within two years, taking bond and good security, in a sufficient penalty, from the Undertakers, payable to the said Commissioners, for the due execution of the said work, in the term aforesaid. The said Undertakers shall have power to contract with any person or persons, inhabitants of the said County of Greenbrier, for personal labour, or supplies of money, or any thing that may be necessary in aid of the said work, and shall give certificates to the person or persons so contributing, to the amount of whatever they have furnished; which cer-

tificates,

tificates, when countersigned by one or more of the said Commissioners, the Sheriff of the said County of Greenbrier shall receive in payment for the taxes due from the holder thereof: and the Sheriff shall be allowed a credit for all such certificates by him received, at the Treasury in the settlement of his accounts for the arrears of taxes due from his County.

SECT. III. *PROVIDED always, and be it further enacted,* That the said Commissioners shall furnish the Auditors of Public Accounts with a transcript of their book of accounts, before any certificates shall be allowed the Sheriff in the settlement of his accounts, and no certificate shall be allowed unless the same is countersigned by one or more of the said Commissioners, and entered in the transcript sent by the said Commissioners to the Auditors of Public Accounts. All proceedings against the Sheriff of the said County of Greenbrier, respecting the said arrears of taxes (except as hereafter excepted) shall be suspended until the first day of May, one thousand seven hundred and eighty-eight. Every person in the said County of Greenbrier, failing to contribute so much to the opening the said road as will be sufficient to discharge his arrears of taxes, on or before the first day of January next, it shall and may be lawful for the Sheriff of the said County of Greenbrier to collect and distrain for the same, and pay the amount thereof to the said Commissioners within two months thereafter, and on failure so to do, the said Commissioners may recover the said amount by motion in the Court of the said County of Greenbrier; provided the Sheriff has ten days previous notice of such motion. *Provided also,* That the amount of the certificates to be granted pursuant to this Act, shall not exceed the sum of five thousand pounds, nor shall the Sheriff of said County be allowed, in the settlement of his accounts with the public, for more certificates than the amount of that sum. The Clerk of the said County of Greenbrier, shall transmit to the Executive, a copy of the bond entered into by the Commissioners, together with a certificate of their taking the oath, within six months after the said bond be taken, and said oath administered, under the penalty of one hundred pounds; to be recovered by action of debt, or information, with costs, in any Court of Record, to the use of the party who will sue for the same.

C H A P. XXVIII.

An ACT for adding part of the County of ROCKBRIDGE to the County of BOTETOURT.

SECTION I. **W**HEREAS the boundary line between the Counties of Rockbridge and Botetourt has been lately extended, whereby inconveniencies have arisen to a part of the inhabitants of the said County of Rockbridge: For remedy whereof,

SECT. II. *BE it enacted by the General Assembly,* That all that part of the said County of Rockbridge lying West of the top of the Camp-Mountain, shall henceforth be added to and taken as part of the said County of Botetourt. *Provided always,* That it shall be lawful for the Sheriff of the said County of Rockbridge, to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants of that part of the said County hereby added to the said County of Botetourt, and shall be accountable for the same in like manner as if this Act had not been made.

C H A P. XXIX.

An ACT to revive an Act, intituled "An Act to appoint COMMISSIONERS to state and settle the LOSSES sustained by the burning the WAREHOUSES at Rocky Ridge."

SECTION I. **W**HEREAS the Act of Assembly passed in the year one thousand seven hundred and eighty-four, intituled "An Act to appoint Commissioners to state and settle the losses sustained by the burning the warehouses at Rocky Ridge," hath expired, and it is expedient and necessary that the same should be revived:

SECT. II. *BE it therefore enacted,* That the Act, intituled "An Act to appoint Commissioners to state and settle the losses sustained by the burning the warehouses at Rocky Ridge," shall be revived, and continue and be in force, from and after the passing of this Act, until the first day of May next, and no longer.

C H A P. XXX.

An ACT for keeping certain ROADS in REPAIR.

SECT. I. **W**HEREAS the public roads leading from the North Western parts of this State, to the Towns of Alexandria and Colchester, in the County of Fairfax, by means of the great number of waggons which use the same, are rendered impassable, and the ordinary method of keeping them in repair, as at present by law established, is not only insufficient, but exceedingly burthensome to those who are employed therein: For remedy whereof,

SECT. II. *BE it enacted,* That George Gilpin, Charles Little, Francis Peyton, Samuel Love, Israel Thompson, Thomas Hart, William Brady, John Smith, and George Noble, gentlemen, be, and they are hereby appointed, Commissioners of the aforesaid roads; and the said Commissioners, or a major part of them, or such person or persons as they shall appoint, may set up and

and erect, or cause to be set up and erected, one or more gates or turnpikes across the roads, or any of them, leading into the Town of Alexandria, from Snigger's and Vestal's Gaps, within five miles of said Town, and the tolls and duties following shall be paid and received, before any of the things on which the same are herein after imposed shall be permitted to pass through the said gates or turnpikes, or either of them, that is to say: For every coach or other four wheeled riding carriage and the driver thereof, one shilling and three-pence; for every two wheeled chaise or chair and the driver thereof, eight-pence; for every loaded waggon and the driver thereof, one shilling; for every loaded cart and the driver thereof, six-pence; for every waggon not loaded and the driver thereof, one shilling; for every empty cart and the driver thereof, six-pence. No person shall be liable or compelled to pay any of the before mentioned tolls or duties on any article on which they are imposed, in returning from the aforesaid Town of Alexandria, who paid the toll or duty thereon in coming to the said Town. Every carriage shall be exempt from the payment of the tolls and duties hereby imposed, for the term of one year, which shall be entered with the person appointed to collect the tolls hereby imposed, and obtaining a licence therefor from him; which licence shall not be granted until the owner of such carriage, or some other person in his behalf, shall pay to the Collector of the tolls for every coach or other four wheeled riding carriage so entered, the sum of forty shillings; for every two wheeled chaise or chair, the sum of twenty shillings; for every waggon, the sum of forty shillings; for every cart, the sum of twenty shillings. And the said Commissioners, or a major part of them, shall and may nominate and appoint some fit person or persons to receive the tolls or duties aforesaid, and to see that the gates and turnpikes are duly repaired and amended, and from time to time remove such persons as they shall see occasion, and appoint others, in case of death, or such removal, and the person or persons so appointed to receive the tolls or duties aforesaid, shall account before the said Commissioners, or such of them as shall be appointed by a majority of them, in the months of April and October yearly, or oftener if required, upon oath, for the monies which they shall have received by virtue of this Act; and the Commissioners shall and may, out of the money arising as aforesaid, make allowance to such persons by them to be appointed as aforesaid, for their care and trouble in the execution of their office, as to them shall seem proper; always taking bond, with good and sufficient security, from the persons appointed, for the due and faithful execution of their office, and rendering such account. And in case any such Collector shall refuse to account, or pay the whole duties by him received, it shall and may be lawful for the said Trustees, upon motion made to the County Court, to demand judgment against such Collector for all duties or tolls wherewith he shall be chargeable by this Act; and such Court may give judgment, and award execution thereupon, against such Collector and his securities, provided they have ten days previous notice.

SECT. III. *AND be it further enacted*, That the money arising from the tolls and duties hereby imposed, shall by the said Commissioners be applied towards defraying the expences of clearing and keeping in repair the roads leading from Snigger's and Vestal's Gaps to Alexandria, and also from George-Town to Alexandria. *AND* the better to enable the said Commissioners immediately to set about repairing the said roads, and to erect gates or turnpikes thereon,

SECT. IV. *BE it enacted*, That from and after the passing of this Act, it shall and may be lawful for the County Courts of Fairfax, Loudoun, Berkeley, and Frederick, respectively, and they are hereby authorized and required, to levy and assess upon the owners of property living within their several Counties, for three years next ensuing, the following sums annually, that is to say: On the inhabitants of Fairfax County, the sum of sixty pounds; of Loudoun, the sum of sixty pounds; of Berkeley, the sum of sixty pounds; of Frederick, the sum of sixty pounds; to be paid by such persons, in proportion to their property assessed under the revenue law; which said several sums shall be collected in the same manner as the levies in those Counties are collected, and by the respective Sheriffs paid to the said Commissioners: And the said Commissioners, or a majority of them, shall be, and they are hereby authorized and required, to lay out and disburse the money so levied annually, in such manner as they shall think best for keeping the roads from Snigger's and Vestal's Gaps to Alexandria, and the road from George Town to Alexandria, in repair. And the Sheriffs of the said Counties respectively, shall give bond, with sufficient security, for the faithful collection of the money so levied, and for accounting and paying the same to the said Commissioners; and in case of failure or neglect, shall be liable, on the motion of the said Commissioners, in the same manner as by law they are now liable for not accounting and paying other levies. *Provided*, That nothing herein contained shall be construed, deemed, or taken, so as to restrain or exempt the Courts of the aforesaid Counties of Fairfax and Loudoun respectively, from allotting the hands which have usually worked on these roads, from assisting in repairing and amending the same within their proper Districts, in the manner already directed by law, excepting only that they shall not appoint Overseers over the several Districts of the roads directed to be repaired by this Act; but it shall and may be lawful for the said Courts, and they are hereby required, to cause a list of all tithables within their respective Counties, which are by law compellable to work on the aforesaid roads, specifying the several Districts they belong to, to be delivered to the said Commissioners, who shall and may direct the person or persons by them appointed or employed in the execution of this Act, to summon any of the said tithables, at any time they shall see cause, to work on the said roads within the Districts specified by the said lists; provided the number of days which each tithable shall work thereon, does not exceed six, in the space of any one year. And if any free person called out as aforesaid, shall wilfully, and without a sufficient excuse, neglect or refuse to appear, he shall be liable to the penalty

nalty of six shillings for every day he shall so refuse or neglect to appear, or to work upon the said road when there; to be recovered, with costs, by warrant, before a single Magistrate, by the person appointed by the said Commissioners to overlook and direct the repairs of the said roads to which such free tithable so offending shall belong. And that if any master, mistress, or overseer, shall, without a sufficient excuse, neglect or refuse to send the respective male tithable servants or slaves to him or her belonging, or under the care of such overseer, within the said districts, to work upon the said roads when required by the person or persons employed by the said Commissioners to overlook the repairs of the said roads, such master, mistress, or overseer, shall be respectively liable to the penalty of six shillings for every such male tithable servant or slave so neglected to be sent by such master, mistress, or overseer; which said penalty shall be paid to the Commissioners appointed by this Act, and by them applied towards repairing the roads herein before mentioned. AND to the end that this Act may be duly enforced,

SECT. V. *IT is further enacted*, That every person employed by the said Commissioners to overlook the repairs of the above-mentioned roads, who shall neglect to apply for a warrant against the several persons offending against this Act, shall be liable to the penalty of six shillings for every such neglect; which said penalty shall be recovered, with costs, by warrant, before a single Justice, by any one of the said Commissioners who shall apply for the same, and when recovered, shall by such Commissioner be applied towards repairing the aforesaid roads.

SECT. VI. *AND be it further enacted*, That the said Commissioners, or any person or persons by them appointed, shall and may, and they are hereby empowered, to cut timber, dig earth, and take stone, adjoining or convenient to the aforesaid roads, for the purpose of building or repairing bridges, and repairing the aforesaid roads: *Provided always*, That any timber so cut, or stone taken, shall be first valued (unless the owner or owners thereof consent thereto) in the manner directed by an Act of Assembly "For the more effectual keeping the public roads and bridges in repair;" which valuation shall be paid by the Commissioners, out of the money levied by the aforesaid Counties as herein before-mentioned, or out of the money arising from the tolls or duties herein before imposed. AND for continuing the succession of the said Commissioners,

SECT. VII. *BE it further enacted*, That it shall and may be lawful to and for the said Commissioners, or the major part of them, from time to time, upon the death, resignation, or removal, of any of the Commissioners herein before named, or hereafter to be appointed, to elect or choose one or more person or persons, instead of the Commissioner or Commissioners so dying, resigning, or removing. And if it shall be found necessary to erect turnpikes on any of the aforesaid roads, at a greater distance from Alexandria than is herein before-mentioned, it shall be lawful for the said Commissioners, or a majority of them, to erect, or cause to be erected, a turnpike or turnpikes at such place or places as they may think necessary, and to impose reasonable tolls or duties on things passing through such turnpike or turnpikes, so as not to exceed the tolls on any thing herein before-mentioned.

SECT. VII. *AND be it further enacted*, That any free person who shall drive any riding carriage, or waggon or cart, round any turnpike, with an intention to evade the payment of the toll, shall forfeit and pay the sum of twenty shillings; and if the person so offending shall be a servant or slave, the master or mistress shall forfeit and pay the penalty aforesaid; to be recovered before a single Magistrate, on complaint of the person appointed to receive the tolls, and by him paid to the Commissioners, to be by them applied to the purpose of keeping the aforesaid roads in repair.

SECT. VIII. *AND be it further enacted*, That the aforesaid Commissioners shall, in the month of June annually, return to the County Court of Fairfax, a just and true account of all monies received by them or any of them, for tolls, penalties, or licences, and of the disbursements thereof; which account shall be filed by the Clerk of the said Court.

C H A P. XXXI.

An ACT concerning the LOCATION of certain WARRANTS upon waste and unappropriated LANDS, in the Counties of Greenbrier, Harrison, and Monongalia.

SECTION I. **W**HEREAS it hath been represented to this present General Assembly, that previous to the extending the line between Greenbrier and Harrison Counties, the latter of which has been lately taken from Monongalia, that State warrants have been located on the same parcel of land in the several Counties herein mentioned, and as it is just and right that the first location should hold said land,

SECT. II. *BE it therefore enacted*, That the Surveyor of each of the aforesaid Counties, shall, on or before the first day of June next, transmit an attested copy of all entries of State warrants made in his office, to the Surveyor of each of the aforesaid Counties, with the date, and quantity of land held or claimed by such entries, that the several Surveyors may thereby be enabled to survey said entries to the person or persons who had the first locations.

SECT. III. *AND be it further enacted*, That all surveys heretofore made in either of the aforesaid Counties by virtue of the first location, shall be good and valid; any Act to the contrary, notwithstanding.

C H A P. XXXII.

An ACT concerning the TAXES due in the County of ROCKINGHAM, for the Year One Thousand Seven Hundred and Eighty-four.

SECTION I. **W**HEREAS it hath been represented to this present General Assembly, that no person would undertake the collection of the taxes in the County of Rockingham, for the year one thousand seven hundred and eighty-four, and that William Nall, the present Sheriff of the said County, is willing to undertake the collection thereof, in case a reasonable time is allowed him to perform the same, as also to complete the collection of the taxes due in the said County for the present year :

SECT. II. *BE it therefore enacted,* That the said William Nall, upon giving bond and security in the Court of the said County of Rockingham, in the penalty required by law for Collectors, shall be, and he is hereby vested with as full power to collect and distrain for the taxes due in the said County, for the year one thousand seven hundred and eighty-four, as if he had been Sheriff thereof at the time they were payable; and the said William Nall is hereby allowed until the first day of August next, to complete the collection of the taxes in the said County, for the last as well as the present year; and if he shall fail to make payment thereof into the public Treasury on or before the said first day of August, it shall and may be lawful for the Solicitor-General to move for judgment against him at the next October General Court, or at any other session of the said Court subsequent to such failure. The said William Nall shall in all cases respecting the collection of the said taxes, be entitled to the same emoluments, and shall be subject to the like penalties and damages, as directed in the cases of Sheriffs and Collectors by the several laws for collecting the revenue of this State.

C H A P. XXXIII.

An ACT for establishing several new FERRIES.

BE it enacted by the General Assembly, That public ferries shall be constantly kept at the following places, and the rates for passing the same be as followeth, that is to say: From the land of Thomas Evans, across Monongalia River, at the mouth of Decker's Creek, to the opposite shore, for a man three pence, and for a horse the same; from the land of Nicholas Lewis, in the County of Albemarle, across the Rivanna, or North fork of James River, for a man three pence, and for a horse the same; from the land of John Pettyjohn, in the County of Monongalia, across the Tyger Valley River, to his land on the opposite shore, for a man three pence, and for a horse the same; from the land of John Turberville, known by the name of Dial's Landing, in the County of Fairfax, across Potowmack River, to the opposite shore in the State of Maryland, for a man six pence, and for a horse the same; from the land of James Hogan, in the County of Lincoln, across the Kentucky River, at the mouth of Hickman's Creek, to his lands on the opposite shore, in the County of Fayette, for a man four pence, and for a horse the same; from the land of Andrew Jee, in the County of Monongalia, across Cheat River, to the land of Jacob Scott, on the opposite shore, for a man three pence, and for a horse the same; from the land of Thomas Butler, in the County of Monongalia, across Cheat River, to his land on the opposite shore, for a man three pence, and for a horse the same; from the land of David Crews, in the County of Lincoln, across the Kentucky River, at the mouth of Jack's Creek, to the opposite shore, in the County of Fayette, for a man four pence, and for a horse the same; from the land of William Anderson, in the County of Botetourt, across James River, to the land of William Crow on the opposite shore, for a man three pence, and for a horse the same; from the land of William Steele, in the County of Fayette, across Kentucky River, at the place called Stone Lick, to the land of John Craig, in the County of Lincoln, for a man four pence, and for a horse the same; from the land of John Campbell, in the County of Jefferson, across the Ohio River, to the mouth of Silver Creek, for a man one shilling, and for a horse the same; from the said land across the Ohio River, to the mouth of Mill-Run, for a man nine pence, and for a horse the same: And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at the places aforesaid, the Ferry-keepers may respectively demand and take the same rates as by law are established at other ferries. If any Ferry-keeper shall demand or receive from any person or persons whatsoever, any greater rates than are hereby allowed for the ferriage or carriage of any thing, he shall, for every such offence, forfeit and pay to the party grieved the ferriages demanded or received, and ten shillings; to be recovered, with costs, before a Justice of the Peace of the County where the offence shall be committed.

C H A P. XXXIV.

An ACT for establishing RELIGIOUS FREEDOM.

SECTION I. **W**HEREAS Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of Legislators and rulers, civil as well as ecclesiastical, who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true

true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow-citizens he has a natural right; that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil Magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them:

SECT. II. *BE it enacted by the General Assembly,* That no man shall be compelled to frequent or support any religious worship, place, or Ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

SECT. III. *AND* though we well know that this Assembly elected by the people for the ordinary purposes of legislation only, have no power to restrain the Acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this Act to be irrevocable would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any Act shall be hereafter passed to repeal the present, or to narrow its operation, such Act will be an infringement of natural right.

C A A P. XXXV.

An ACT for dividing the COUNTY of HAMPSHIRE.

BE it enacted by the General Assembly, That from and after the first day of February next, the County of Hampshire shall be divided into two distinct Counties, by a line beginning at the North branch of Potowmack, opposite to the mouth of Savage River, and running thence in a direct course so as to strike the upper end of the plantation known by the name of Myres's Mill, on New Creek; thence in a direct course to John Lewis's Mill, on Patterson's Creek; thence in a direct course to the highest part of the mountain known by the name of the High Nob; thence in a direct course to the gap of the Short Arse Mountain, where the North River runs through the same; thence along the road leading by the upper end of Henry Fry's plantation, on Cape Capon, and along the said road to the top of the North Mountain to the dividing line between the Counties of Shenandoah and Hampshire; and that all that part of the said County lying South of the said line shall be called and known by the name of Hardy; and the residue of the said County shall retain the name of Hampshire. A Court for the said County of Hardy, shall be held by the Justices thereof on the Friday after the second Tuesday in every month after such division shall take place, in such manner as is provided by law for other Counties, and shall be by their respective commissions directed. The Justices to be named in the commission of the peace for the said County of Hardy, shall meet at the house of William Bullitt, in the said County, upon the first Court day after the said division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the Sheriff, according to law, shall proceed to appoint and qualify a Clerk, and fix upon a place for holding Courts in the said County, at or as near the centre thereof as the situation and convenience will admit; and thenceforth the said Court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding Courts as they shall think proper. *Provided always,* That the appointment of a place for holding Courts, and of a Clerk, shall not be made unless a majority of the Justices of the said County be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the County, in such case the appointment shall be postponed until some Court day when a majority shall be present. The Governor, with the advice of the Council, shall appoint a person to be first Sheriff of the said County, who shall continue in office during the term, and upon the same conditions, as is by law appointed for other Sheriffs: *Provided also,* That it shall be lawful for the Sheriff of the said County of Hampshire, to collect and make distress for any public dues or officers fees which shall remain unpaid by the inhabitants thereof at the time such division shall take place, and shall be accountable for the same in like manner as if this Act had not been made. And that the Court of the said County of Hampshire shall have jurisdiction of all actions and suits, in law or equity, depending before them at the time of the said division, and shall try and determine the same, and award execution thereupon. That in all elections of a Senator, the said County of Hardy shall be of the same district with the said County of Hampshire.

C H A P. XXXVI.

See Chap. 14. of the May Session 1784. Page 8. Chap. 66 of the Oct. Session 1784. Page 15.
An ACT for reviving, amending, and continuing "An Act to revive and amend in part, an Act for giving further time to enter CERTIFICATES for SETTLEMENT RIGHTS, and for locating WARRANTS upon PRE-EMPTION RIGHTS, and for other purposes."

SECTION I. *WHEREAS* the Act of Assembly, passed in the year one thousand seven hundred and eighty-four, intituled "An Act to revive and amend in part, an Act, intituled an Act for giving further time to enter Certificates for Settlement Rights, and for locating Warrants upon Pre-emption rights, and for other purposes," which was continued by a subsequent Act, expired on the first day of June last, and it is expedient that the same should be revived, continued, and amended:

SECT. II. *BE it therefore enacted,* That the said recited Act shall be revived, and continue and be in force until the first day of November, one thousand seven hundred and eighty-six, and no longer; within which time, the Register of the Land-Office, or his Deputy, shall receive all plats and certificates of survey, although not returned within the time heretofore limited by law; and such lands shall not be considered as forfeited, or liable to a forfeiture on that account. *AND WHEREAS,* the time allowed for entering Certificates for Settlement Rights, is expired, and it being adjudged necessary that the same ought to be revived and continued, *See Chap. 14. of the May Session 1784. Page 8. Chap. 66 of the Oct. Session 1784. Page 15.*

SECT. III. *BE it therefore enacted*, That it shall and may be lawful for the Surveyors of this Commonwealth, within their respective Counties, at any time before the first day of June next, to receive and enter all such Certificates, or the attested copies of such as shall be lost, and to proceed to survey the same as the law directs. AND WHEREAS sundry persons have been prevented by unavoidable accident, from obtaining and entering pre-emption warrants before the Register of the Land-Office was prohibited from issuing any more warrants by a resolution of the General Assembly.

SECT. IV. *BE it further enacted*, That all such persons shall be allowed until the said first day of November, to obtain and enter such Warrants. And that every person entitled to a pre-emption warrant as aforesaid, shall pay into the public Treasury, thirteen shillings and four-pence for every hundred acres of land, in specie or audited certificates, in full for the State price heretofore required, which being audited, and a certificate thereof produced to the Register of the Land-Office, the said Register is hereby authorized and directed to issue such warrant to the party entitled to the same, or to his assigns.

See the acts of October Session 1786 - page 5. act 1787. ch. 46. page 83

C H A P. XXXVII.

An ACT for dividing the COUNTY of FAYETTE.

B*E it enacted by the General Assembly*, That from and after the first day of May, one thousand seven hundred and eighty-six, the County of Fayette shall be divided into two distinct Counties, that is to say, so much of the said County within the following lines: Beginning at the mouth of upper Howard's Creek, on Kentucky River, running up the main fork thereof to the head; thence with the dividing ridge between Kentucky and Licking-Creek, until it comes opposite the head of Eagle-Creek, from thence a direct line to the nearest part of Raven-Creek, a branch of Licking, down Raven-Creek to the mouth thereof; thence with Licking to the Ohio; thence with the Ohio to the mouth of Sandy-Creek, up Sandy-Creek to the Cumberland Mountain; thence with the said Mountain to the line of Lincoln County; thence with that line, and down Kentucky River, to the beginning; shall be one distinct County, and called and known by the name of Bourbon; and the residue of the said County shall retain the name of Fayette. A Court for the said County of Bourbon, shall be held by the justices thereof on the third Tuesday in every month, after the said division shall take place, in such manner as is provided by law for other Counties, and shall be by their commissions directed. The Justices to be named in the commission of the peace for the said County of Bourbon, shall meet at the house of James Garrard, in the said County, upon the first Court-day after the said division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the Sheriff, according to law, proceed to appoint and qualify a Clerk, and fix upon a place for holding Courts in the said County, at or as near the centre thereof as the situation and convenience will admit of; and thenceforth the said Court shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding Courts as they may think proper. *Provided always*, That the appointment of a place for holding Courts, and of a Clerk, shall not be made unless a majority of the Justices of the said County be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the County, in such cases the appointment shall be postponed until some Court-day when a majority shall be present. The Governor, with advice of the Council, shall appoint a person to be first Sheriff of the said County, who shall continue in office during the term, and upon the same conditions, as is by law appointed for other Sheriffs. It shall be lawful for the Sheriff of the said County of Fayette to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants thereof at the time such division shall take place, and shall be accountable for the same in like manner as if this Act had not been made. And that the Court of the said County of Fayette shall have jurisdiction of all actions and suits, in law or equity, which shall be depending before them at the time of the said division, and shall try and determine the same, issue process, and award execution thereon. In all elections of a Senator, the said County of Bourbon shall be of the same District with the said County of Fayette.

C H A P. XXXVIII.

An ACT to revive an Act, intituled "An Act for the better regulating and collecting certain OFFICERS FEES, and for other purposes therein mentioned."

SECTION I. **W**HEREAS the Act of Assembly, passed in the year one thousand seven hundred and forty-five, intituled "An Act for the better regulating and collecting certain officers fees, and other purposes therein mentioned," hath expired, and it is expedient and necessary that the same should be revived and amended:

SECT. II. *BE it therefore enacted*, That the Act, intituled "An Act for the better regulating and collecting certain officers fees, and other purposes therein mentioned," be revived, except so much thereof as relates to the delivery, collecting, and recovery of the fees formerly payable to the Secretary and Surveyors, and shall continue, and be in force from and after the passing of this Act, for and during the term of two years, and from thence to the end of the next session of Assembly, and no longer.

SECT. III. *AND be it enacted*, That all persons who now are, or shall hereafter become chargeable with any tobacco fees, for services mentioned in the said recited Act, shall discharge the same in manner directed by the Act of Assembly passed in the year one thousand seven hundred and eighty-one, intituled "An Act for regulating tobacco fees, and fixing the allowance to Sheriffs, Witnesses, and Venire-men."

SECT.

SECT. IV. *AND be it enacted,* That the Clerks of the High Court of Chancery, Court of Appeals, and General Court, to whom the fees, formerly allowed to the Secretary, are now payable, shall deliver their tickets to the respective Sheriffs annually, before the first day of May, and the Sheriffs shall receive and collect the same, and shall distrain and make sale of the debtors slaves, goods, or chattels, for all such tickets as shall remain unpaid after the first day of July in any year. And if the said Sheriffs shall fail to pay the said fees to the respective Clerks, at their offices in Richmond, or such town or place as the Treasury may be kept at, by the fifteenth day of September annually, abating ten *per cent.* for collecting, and making an allowance for insolvencies, and non-residents having no estate within the County, which shall be accounted for on oath; the said Clerks, or either of whom, upon motion made in the General Court, or Court of any County, in which the Sheriff failing to make payment, as aforesaid, may be found, may demand judgment against him for all fees wherewith he shall be chargeable by this Act; and such Court respectively shall enter judgment accordingly, provided the Sheriff have ten days notice of such motion; and that judgment may be obtained as aforesaid against any under Sheriff who may fail to add the name of his principal to the receipt for such fees.

SECT. V. *AND be it further enacted,* That the executors or administrators of any such Sheriff, or under Sheriff, shall be liable to judgment, as aforesaid, for the fees received, to be collected by their testator or intestate, and accounted for. That every receipt for fees, produced in evidence on any such motion, shall be deemed to be the act of the person subscribing it, unless he shall deny the same upon oath. That the Clerks of the said Courts may obtain judgments, as aforesaid, for all balances now due to them from any Sheriff, or under Sheriff, on account of fees heretofore put into their hands to be collected.

C H A P. XXXVII.

An ACT to authorize the election of certain VESTRIES.

SECTION I. **W**HEREAS the Members of the Protestant Episcopal Church, residing in many parishes within this Commonwealth, have been prevented from carrying into execution an Act for incorporating the Protestant Episcopal Church within the period therein limited for the election of Vestries, occasioned by the said law not having been sufficiently promulgated, so as to enable the Members of the said Church to proceed in the execution thereof:

SECT. II. *BE it therefore enacted by the General Assembly,* That elections for Vestrymen, in manner prescribed by the said recited Act, shall be held in all such parishes on Monday in next Easter week, if fair, if not, on the next fair day. And the said Vestries, when elected and qualified, shall have the same powers and authority, and be subject to the like rules and regulations, as other Vestries within this Commonwealth are by the said Act entitled to, governed by, and vested with.

C H A P. XXXVIII.

An ACT to prevent DISTRESS being made by the Sheriffs of this Commonwealth for the TAXES due for the present year, until March next, and admitting FACILITIES in payment thereof.

SECTION I. **W**HEREAS by an Act of Assembly, intituled "An Act to discharge the people of this Commonwealth from the payment of one half of the revenue tax for the year one thousand seven hundred and eighty-five," the several Sheriffs and Collectors of taxes are authorized to distrain for the payment of the other half of the tax for the said year, on the first day of September last past; and whereas it appears to this Assembly, that many of the citizens of this State have been hitherto unable to make payment thereof, and that it is requisite and necessary to give further time for the payment of so much of the same as may not be at present collected:

SECTION II. *BE it therefore enacted,* That the several Sheriffs and Collectors, may continue, notwithstanding the commission of such Sheriffs or Collectors may have expired, to collect the same, but shall not make distress for any part thereof from the passing of this Act, until the first day of March next; and the several Sheriffs and Collectors of the said half tax, shall pay the same into the public Treasury, on or before the first day of May; and in default of such payment, shall be liable to judgment, with interest, costs, and damages, according to law, on motion to be made by the Solicitor, or other person appointed for that purpose, at the additional session of the General Court in the month of June next, or at any session subsequent to such delinquency; ten days previous notice being given of such motion. **AND WHEREAS** it further appears, that the time heretofore appointed for the collection of the revenues of this State, under the Act, intituled "An Act to amend and reduce the several Acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue; into one Act," commences at a period too early in the season to give the people proper opportunity of making sale of the produce of their lands at the full value thereof: For remedy whereof,

SECT. III. *BE it enacted,* That the collection of the revenues of this State, arising under the said recited Act, except so much as respects the half tax for the year seventeen hundred and

eighty-five, shall commence on the first day of November, in each year; and the several Sheriffs and Collectors of taxes, may distrain for the same on the first day of January thereafter, and shall make payment thereof into the public Treasury, on or before the first day of April annually; and in default of such payment, shall be liable to a judgment, with interest, costs, and damages, according to law, on motion to be made by the Solicitor-General, or other person appointed for that purpose, at any session of the General Court, subsequent to such failure; ten days previous notice being given of such motion.

SECT. IV. *AND be it further enacted*, That it shall and may be lawful for the Governor, with advice of Council, to direct the Solicitor-General to suspend execution upon any judgment which hath heretofore been obtained, or which hereafter may be obtained against any delinquent Sheriff or Collector, or any other person whatsoever, for public monies in their hands, for any time that may to him, with advice aforesaid, seem reasonable; and also, with the advice aforesaid, to remit the whole or any part of the interest or damages arising on such judgment.

SECT. V. *AND be it further enacted*, That any person chargeable with any part of the half tax for the year seventeen hundred and eighty-five, may, in addition to the warrants heretofore admitted by law in payment of the revenue tax, pay the whole or any part thereof in warrants granted, or to be hereafter granted by the Auditors of Public Accounts, for interest due on the Loan-Office certificates of this State. *AND WHEREAS* the United States in Congress assembled, have, by their Act of September the twenty-seventh, one thousand seven hundred and eighty-five, made a requisition on the several States in the union, for certain sums therein specified, for the services of the current year, and for the discharge of one year's interest on the foreign and domestic debt; and have by the said Act, declared that the several Legislatures may so model the collection of the sums called for, that one third of any sum being paid in actual money, the other two-thirds may be discharged by the interest due upon Loan-Office certificates, and upon other certificates of the liquidated debts of the United States;

SECT. VI. *BE it therefore enacted*, That it shall and may be lawful for any person chargeable with any part of the half tax, for the year seventeen hundred and eighty-five, to make payment of any part not exceeding two-thirds thereof, in certificates issued, or to be hereafter issued, by John Hopkins, Esq; Commissioner of the Continental Loan Office in this State, for interest due upon Loan Office certificates, or upon other certificates of the liquidated debts of the United States (or in case of the death, removal from office, or disability of the said John Hopkins, by such other person as may be appointed Commissioner thereof, to be notified by proclamation of the Governor.) And the several Sheriffs or Collectors, shall be allowed a discount with the Treasurer, in their settlement of the said half tax, for all such certificates so by them received; provided such certificates do not amount to more than two-thirds of the sum by such Sheriff or Collector received in payment of the half tax aforesaid.

SECT. VII. *AND be it further enacted*, That every Sheriff or Collector of the said half tax, who shall collect any of the said Continental interest certificates, shall, before he shall be admitted to make payment of any of the said certificates into the public Treasury, exhibit an account on oath, before the Court of the County or Corporation where such collection shall be made, stating the amount of such certificates by him received in payment of the said half tax, and the names of the persons who have paid the same; which account shall be entered of record, and an attested copy thereof delivered to the said Sheriff or Collector, to be by him delivered to the Auditors of Public Accounts, previous to his settlement with them, or payment of any of the said interest certificates into the public Treasury, and the Auditors shall thereupon grant a warrant for the payment of all interest certificates which shall appear by such attested account to have been actually and bona fide received by such Sheriff or Collector in payment of the said half tax; provide always, that such interest certificates shall not exceed two-thirds of the amount of the sum with which such Sheriff or Collector is chargeable. Nothing herein contained shall be construed to affect the collection of the taxes for the County of Rockingham, for the years one thousand seven hundred and eighty-four, and one thousand seven hundred and eighty-five, so as to require the payment thereof sooner than prescribed by an Act of the present session, intituled "An Act concerning the taxes due in the County of Rockingham, for the year one thousand seven hundred and eighty-four," but the said Act shall be in as full force as if this Act had never been made. And so much of every other Act, as comes within the purview of this Act, shall be, and the same is hereby repealed.

C H A P. XXXIX.

An ACT for the SALE of certain PUBLIC LANDS.

SECTION I. *BE it enacted by the General Assembly*, That the public lands lying in the Counties of York and Elizabeth City, except a point of land in the last mentioned County, called Point-Comfort, shall be, and they are hereby vested in Joseph Prentis, Richard Cary, jun. Wilson Cary, Miles King, Worlich Wellwood, and Nathaniel Nelson, gentlemen, Commissioners, who, or a majority of them, are hereby authorized and required, to make sale of the same in manner and on conditions herein after prescribed. The said Commissioners shall give previous notice of such sale, at least sixty days, in the Virginia Gazette, and dispose of the said lands by public auction, on the premises, to the highest bidder, on the day appointed, if fair, and if not, the next fair day, payable in ready money, or officers or soldiers certificates, as to the Commissioners may appear

appear most expedient, previously agreeing among themselves, and publishing to the bidders the par at which certificates will be received in lieu of specie. Upon receipt of the full consideration for the sale of the said lands, the said Commissioners, or a majority of them, shall execute conveyances for the same to the purchasers in fee, and pay the money, or certificates, as the case may be, into the public Treasury, deducting thereout two *per cent.* for the trouble of the said Commissioners, or such of them as may execute this Act.

SECT. II. *AND be it further enacted,* That the said Commissioners, or a majority of them, shall be, and they are hereby authorized and empowered, to sue for and recover all arrears of rent now due from the persons to whom any of the said lands may have been let, and shall account for the same in the like manner, and be entitled to the same commission for their trouble, as is herein before allowed for receiving the purchase money for the said lands.

C H A P. XL.

An ACT to amend the several Acts of Assembly concerning the appointment of SHERIFFS:

SECTION I. *BE it enacted by the General Assembly,* That where the Court of any County hath failed, or shall fail, within the months of June and July annually, to nominate three persons, one of whom to be approved and commissioned by the Governor, with the advice of Council, as Sheriff for the said County, the Governor, with the advice of Council, may, after the period for nomination hath expired, and no certificate of nomination been received by the Executive, proceed to commission some one Justice in the commission of the peace for the said County, to execute the office of Sheriff within the same. Every person so commissioned Sheriff, or commissioned in pursuance of a nomination from the County Court, and refusing to accept and execute the office, shall forfeit fifty pounds, to the use of the Commonwealth; to be recovered, with costs, on motion by the Solicitor, in the General Court, giving the party ten days previous notice of such motion; but if the person refusing to act, shall make oath in Court, or produce other satisfactory proof, that he hath used his best endeavors, truly and *bona fide* without covin and collusion, to get security for performing the said office, without being able to obtain such security, he shall thereupon be exempted from the penalty, and a new commission issued as in case of vacancy by death.

SECT. II. *AND be it further enacted,* That every Sheriff hereafter commissioned and qualified as aforesaid, shall be continued in office for one year after his qualification, and may with his own consent, and the approbation of the Executive, be continued for two years, and no longer; unless by some accident or impediment a succeeding Sheriff shall be prevented from qualifying, in which case the preceding Sheriff shall continue to act until a successor shall be qualified according to the directions of this Act. *Provided always,* That no member of either House of Assembly shall be liable to any forfeiture or penalty for refusing to accept the said office.

C H A P. XLI.

An ACT to repeal an Act, intituled "An Act concerning Entries and Surveys on the Western Waters, and for other purposes:"

SECTION I. *WHEREAS* the time limited by an Act, intituled "An Act concerning entries and surveys on the Western Waters," hath been found too short for the owners of entries to carry the same into actual surveys, and the mode therein prescribed being found inconvenient:

SECT. II. *BE it enacted by the General Assembly,* That so much of the said recited Act as directs that all entries made before the passing of the said Act shall be surveyed by the first day of February next, or for the surveying of all future entries on the Western Waters within one year from the date thereof, be, and the same is hereby repealed.

SECT. III. *AND be it further enacted.* That immediately after the first day of January, in the year one thousand seven hundred and eighty-seven, the principal Surveyor of every County on the Western Waters shall, and he is hereby required, to give notice to all persons claiming land by entry within his County, or to their agents, attornies, or other persons acting in their behalf, either personally, or by affixing the same at the Court-house door, or other usual place of holding the Courts of the said County, on two several Court-days, that he will proceed by himself, or one of his Deputies, to survey the lands therein mentioned on a certain day which he shall appoint, which day so appointed shall be one month at the least after the notice given or last time of advertising the same. And if any person, or his agent or attorney, as aforesaid, shall fail or neglect to attend the Surveyor, with chain-carriers and a person to mark the lines as required by law, on the day appointed for that purpose, such entry shall become void, and the lands liable to be again entered for by any person holding a land warrant; and the Surveyor shall return the warrant on which such entry was made, to the person owning the same, or his agent, which may nevertheless be located on any waste or unappropriated lands, or on the same lands, if not already taken by some other warrant. And the owners of entries already made, shall, on or before the said first day of January, appoint some person within the County where the lands lie, or their agent or attorney, who shall give notice of such appointment to the Surveyor, within one month thereafter, or on failure thereof

thereof, his entry shall become void. *Provided*, That nothing in this or any other Act shall extend to forfeit or make void any entry claimed by infants, or prisoners in captivity, but that all such persons shall have three years after their several disabilities are removed, to compleat the same: *Provided also*, That, if on the day appointed by the Surveyor for the surveying any entry as before directed, he shall be prevented, by accident or other cause, from making the same, such entry shall not, in that case, become void, but the Surveyor shall give other notice as often as such cases shall happen. AND WHEREAS the principal Surveyor of Jefferson County resigned his office in the month of July, in the year one thousand seven hundred and eighty-four, but after such resignation, and before notice thereof could be given at his office, sundry locations and surveys were made with the Deputy, and it is just and reasonable to confirm the same:

SECT. IV. *BE it therefore enacted*, That all such locations and surveys shall, to all intents and purposes, be good and valid, and shall entitle the persons claiming land under the same to the same preference as they would have had, if no such resignation had taken place. - *See the acts of October Session 1786. Chap. 48. page 7. - also acts of October Session 1786. Chap. 11. page 7.*

C H A P. XLII.

An ACT to dispose of the waste and unappropriated LANDS in the Commonwealth of Virginia, on the Eastern Waters.

FOR creating a fund in aid of the annual taxes, to discharge the public debt, *BE it enacted by the General Assembly*, That any person may acquire title to so much waste and unappropriated land, lying within this Commonwealth, on the Eastern Waters, as he shall desire to purchase, on paying the consideration of twenty-five pounds for every hundred acres, and so in proportion for a greater or smaller quantity, and obtaining certificate from the Auditor of Public Accounts in the following manner: The consideration money shall be paid into the hands of the Treasurer, who shall give to the purchaser a receipt for the payment, specifying the purpose it was made for, which being delivered to the Auditor, he shall give to such person a certificate thereof, with the quantity of land he or she is entitled to, and upon lodging the same in the Land-Office, the Register thereof shall grant to such person or persons a warrant, authorizing the Surveyor of the County where the land lies to lay off and survey the same therein, under the like fees, rules, regulations and restrictions, as are directed and prescribed for the issuing, entering, locating, surveying and granting patents on warrants, by the law now in force relative thereto. All fees accruing to the Commonwealth, shall be paid into the Treasury by the Register of the Land-Office, in the same manner, and under the same penalties, as directed in the Act appropriating the fees of the Land-Office, in aid of the public revenue, and placing the Register, his Deputies and Assistants, on the civil list; and the said fees, with the money arising on the sales aforesaid, shall be applied by the Treasurer in aid of the funds set apart for payment of foreign creditors. *Provided nevertheless*, That nothing herein contained shall be construed to affect any legal entry made before the passing of this Act, nor any pre-emption right to marshes or sunken grounds.

C H A P. XLIII.

An ACT for reviving and continuing the Act for adjusting CLAIMS for PROPERTY impressed or taken for public service.

SECTION I. **W**HEREAS the Act of Assembly, passed in the year one thousand seven hundred and eighty-one, intituled "An Act for adjusting claims for property impressed or taken for public service," which has been continued by several subsequent Acts, expired on the first day of August last, and it is expedient that the same should be revived, amended, and continued:

SECT. II. *BE it therefore enacted*, That the said recited Act shall be revived, and continue and be in force until the first day of September next, and no longer.

SECT. III. *AND be it further enacted*, That the Auditors shall issue certificates on claims audited by the County Courts since the first day of August last, in like manner as if the before recited Act had not expired. *Provided*, That no County Court shall be authorized to allow any claim presented to them, unless the same originated within such County.

C H A P. XLIV.

An ACT to amend the Act concerning PENSIONERS.

SECTION I. **W**HEREAS the United States in Congress assembled, have by their Act of the seventh of June last, recommended to the several States to make provision for officers, soldiers, and seamen, who have been disabled in the service of the said United States, in a certain manner in the said Act described, and it is expedient and necessary that the same be adopted and carried into effect within this Commonwealth; and also, it is found that the laws now in force concerning pensioners, are very defective:

SECT. II. *BE it therefore enacted by the General Assembly*, That the Auditors of Public Accounts be, and they are hereby authorized and directed, to make out in a book to be kept for that purpose,

purpose, on the first day of January, in every year hereafter, a complete list of all officers, soldiers, and seamen, who having served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in such service, who now are or hereafter may be on the pension list. In this list shall be expressed the pay, age, and disability of each invalid; also, the regiment, corps, or ship, to which he belonged, together with the changes which may happen, from year to year. A copy of this list shall annually, as soon as may be, after the day above-mentioned, be transmitted to the Executive, who shall transmit a duplicate thereof to the Secretary at War, as directed by the Act of Congress aforesaid.

SECT. III. *AND be it further enacted*, That no officer, soldier, or seaman, who has been disabled in the service of the United States, or of this Commonwealth, shall, after the passing of this Act, be considered as an invalid, or entitled to a pension, unless he is so disabled as to be incapable of military duty, or of obtaining a livelihood by labour, and can produce a certificate from the Commanding Officer, or Surgeon, of the regiment, ship, corps, or company in which he served, or from a Physician or Surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was thus disabled while in service. All commissioned officers within the aforesaid description, disabled in the service of the United States, or of this Commonwealth, in the army, navy, or militia, so as to be wholly incapable of military duty, or of obtaining a livelihood, shall be allowed a yearly pension, equal to half of their pay, respectively; and all commissioned officers, as aforesaid, who shall not have been disabled in so great a degree, shall be allowed a yearly pension, which shall correspond with the degree of their disability, compared with that of an officer wholly disabled. All non-commissioned officers and privates, within the aforesaid description, disabled in either service, as aforesaid, so as to be wholly incapable of military duty, or of obtaining a livelihood by labour, shall be allowed a sum not exceeding five dollars per month; and all non-commissioned officers and privates, who shall not have been disabled in so great a degree, shall be allowed such a sum as shall correspond with the degree of their disability, compared with that of a non-commissioned officer or private wholly disabled.

SECT. IV. *AND be it further enacted*, That the Governor, with advice of Council, be, and he is hereby authorized and directed, to examine all claimants of pensions, as aforesaid, and upon finding any person to be an invalid, and that he was disabled while in service, to give him a certificate thereof, specifying the regiment, corps, or ship or other vessel, to which he belonged, and whether he was in the service of the United States, or of this Commonwealth, when disabled, together with the degree of disability, and the pay to which he is entitled; a duplicate of which certificate, shall be transmitted to the Auditors of Public Accounts, who shall thereupon enter such invalid on the pension list as heretofore. And in case of any claimants being so disabled or remote from the seat of government, as to render a personal attendance there too burthenome and inconvenient, the Executive shall, upon satisfactory proof thereof, and having sufficient evidence in their opinion, on which to found any certificate directed by this Act to be given, grant such certificate, notwithstanding the non-attendance of the claimant.

SECT. V. *AND be it further enacted*, That the Auditors shall, annually, before the last day of March, transmit to the Clerks of the several Counties in this State, a general list of pensioners; and every pensioner shall, annually, in May or June, apply in person, or if an orphan, by his or her guardian, to the Court of the County wherein he or she resides, and exhibit the certificate upon which his or her claim is founded, and make oath that he or she is the person to whom it was given; or where such person shall be unable to attend, he or she shall make the like oath before a Magistrate; and the Court upon comparing the certificate with the list transmitted from the Auditors, and finding it to be right, shall order it to be recorded, and direct the Sheriff to pay the pension; a copy of which order shall be given the pensioner: Whereupon the Sheriff shall make payment thereof, and take a receipt upon the said order, and be entitled to credit for the same in the settlement of his account with the Auditors. *AND* to the end, that all invalids who have heretofore been put on the pension list, may regularly have certificates thereof, and be enabled to conform to the regulations in this Act prescribed,

SECT. VI. *BE it enacted*, That every such invalid having a certificate, such as is above directed, shall apply to the Governor, who, upon examination, and finding the same to be true, shall affix his counter signature thereto; or having no such certificate, shall in like manner make application and obtain one, specifying when he was put on the pension list.

SECT. VII. *AND be it further enacted*, That the Executive shall be, and they are hereby authorized, to grant certificates for admission to the pension list, with such allowances as to them shall seem just, the widows and orphans of all officers, soldiers, and seamen, who died in the service of the United States, or of this Commonwealth, in the army, navy, or militia, upon certificates from the Court of the County in which they reside respectively, of their being widows or orphans of such officers, soldiers, or seamen, as the case may be: *Provided*, That no such allowances shall be made except indigency of circumstances shall render the same necessary. *AND* to the end, that all invalid's widows and orphans who now are or hereafter may be on the pension list, may from time to time have their several allowances, adapted to the degrees of disability of the former, and necessities of the two latter, or dismissed from the said list, when such allowances become no longer requisite;

SECT. VIII. *BE it enacted*, That all pensioners shall undergo a re-examination, whenever the Governor, with advice of Council, shall direct; and upon any such re-examination, the Executive are hereby authorized and required, to order the allowance of the pensioner to be raised or reduced according to his or her real situation; or in case the allowance shall appear to be no longer necessary, in any degree, to order such pensioner to be struck off from the list altogether.

SECT. IX. *AND be it further enacted,* That the Auditors shall make up accounts of all payments which have been or hereafter may be made to invalids for their pensions, to the end of the present year, and ought, according to the principles of this Act, to be charged to the United States, and that they charge the same against the quotas of the respective years for which such payments may have been made; and all payments of such pensions for any succeeding year, shall be charged in like manner: *Provided,* That no greater sum than half the pay of any officer shall be charged to the account of the United States. Every Act or Resolution of Assembly concerning any matter or thing coming within the purview of this Act, shall be, and the same is hereby repealed.

C H A P. XLV.

An ACT for the REFORM of certain PUBLIC BOARDS.

SECTION I. **F**OR introducing reform into the several public Boards, and the adoption of such a system as may best accord with prudent economy and a due regard to the public interest,

SECT. II. *BE it enacted by the General Assembly,* That from and after the first day of March next, the business of the Auditor's Office shall be regulated and conducted in the following manner, to wit: It shall be the duty of one of the said Auditor's, assisted by one Clerk, to state and bring up all deficiency of public accounts, on the books in the said office, striking the balance on every particular, as well as general head of account stated therein, whether it be for or against the public, up to the last day of December, one thousand seven hundred and eighty-five, inclusive, and collecting and arranging in due order, all the receipts, accounts and vouchers touching the same: It shall be the duty of another of the said Auditor's, assisted by one Clerk, to examine, state, settle, and audit all accounts, claims, or demands whatsoever against the public, arising under any law or resolution of the General Assembly, and to perform all the duties required by the Act "For establishing a Board of Auditors for public accounts," or by any other Act or Resolution of General Assembly (except as hereafter is provided for) granting to every public claimant, authorized by law to demand the same, a warrant on the Treasurer for the sum due, signed with his own hand and name, and attested in the hand and name of his Clerk, making due entry and register of all his daily proceedings in books for that purpose, and carefully arranging, filing and preserving in his office, all accounts, receipts, vouchers, and papers touching the same: It shall be the duty of the remaining Auditor, assisted by one Clerk, to open a new set of public books, commencing on the first day of January, one thousand seven hundred and eighty-six, in which shall be stated a general account for every public fund created by the laws of appropriation, by way of debt and credit, shewing the annual product and application of each, and the balance thereof, on the last day of December in every year, to be transferred to new account; there shall be also stated an account against the Treasurer of the Commonwealth, with a general account of the revenue of the Commonwealth, in which shall be entered the particular amount of all sums of money, or other things received by the said Treasurer, or accruing to the revenue, and to which shall be allowed a credit for all warrants drawn on, or payments made out of any particular fund; a general account shall be also raised of the unfunded debt of the Commonwealth, shewing the particular species and amount thereof; as also, particular accounts against the Sheriffs, Escheators, and Clerks of the several Counties, and other public Collectors, and against all public debtors whatsoever, to the latter of which shall be transferred, all balances appearing due on the public books, either of the Auditor's or Solicitor's Offices, on the first day of January, one thousand seven hundred and eighty-six.

SECT. III. *AND be it further enacted,* That from and after the said first day of March, the business of the Solicitor's Office shall be regulated and conducted in the following manner, to wit: It shall be the duty of the said Solicitor, assisted by one Clerk, to proceed in the completion of the settlement of the account of this Commonwealth with the United States, and to collect and arrange all the papers, vouchers and information respecting the same; the said Solicitor, assisted as aforesaid, shall also proceed in execution of the duties prescribed by an Act "for the more effectual collection of taxes and public dues," or of any other duty relating to his department, prescribed by any Act or Resolution of General Assembly, corresponding the same to the changes hereby made in the Auditor's Office; and moreover shall call upon and proceed against all public debtors for the balances due to the public.

SECT. IV. *AND be it further enacted,* That from and after the said first day of March, the Treasurer shall state on the books of his Office, a general cash account with the Commonwealth, shewing the amount of all monies actually received into the Treasury, and on what account, whether funded or unfunded, and if the former, to what particular fund; also stating the expenditures and application of the same, and by what authority, preserving his vouchers in due order, and striking as well the general balance as the balance to each particular fund, where funded, once in every three months; and it shall not be lawful for the Treasurer to pay away or dispose of any of the public money, without a warrant from the Auditor authorized to issue the same, signed and attested in the manner before directed.

SECT. V. *AND be it further enacted,* That from and after the said first day of March, the Executive shall have the controul and superintendence of the Auditor's and Solicitor's Offices respectively,

respectively, as the same are now established by this Act, with power to remove any Auditor, or the Solicitor, for misbehaviour or neglect of duty, and to supply any vacancy in the said Offices, during the recess of Assembly, subject to their approbation. A Committee of the Executive, to be by them appointed, shall also have power, and are required, during the recess of the Assembly, to visit and examine the said Offices in their discretion, and shall report monthly to the Executive, in writing, under their hands, the situation of the same, which report shall be entered in the proceedings of that Board; and thereupon it shall be lawful for the Executive to direct such correspondent changes in the business of the said Offices as they shall deem necessary for the better conducting the same, according to the directions of this Act; and as soon as the business assigned to the Auditor and his Clerk, appointed to bring up the deficiency in the public books is performed, to discharge them from the public service; they shall moreover dismiss all Clerks from the said Offices respectively, not provided for by this Act; and as soon as the business of stating the account of this Commonwealth with the United States, assigned to the Solicitor, shall be performed, and it shall appear to them that the other duties of the Solicitor may, without injury to the public, be transferred to the two remaining Auditors and the Treasurer, they shall have power, and are required so to do, and to discontinue the said Solicitor's Office.

SECT. VI. *AND be it further enacted*, That the Executive be empowered and required to discontinue the two Commissioners and their Clerks, appointed to examine into "all impositions which have happened in the settlement of accounts of the officers and soldiers of the Virginia lines on Continental or State establishments, including the navy, with the Auditors, for arrearages of pay and depreciation;" and the business and power of the said Commissioners shall henceforth be executed and discharged by the present Assistant Clerk of the Council.

SECT. VII. *AND be it further enacted*, That the Executive shall determine upon, and apportion among the Auditors, the duties hereby severally assigned them.

SECT. VIII. *PROVIDED always, and be it further enacted*, That in case of the sickness or inability of the Auditor appointed to audit public claims and issue warrants thereupon, it shall be lawful for the Auditor appointed to direct the statement of the public books, and to keep an account with the Treasurer, to transact his business, and grant warrants on the Treasurer in like manner, and attested by the Clerk of the other, as the said Auditor of Public Claims might lawfully do, if present himself.

SECT. IX. So much of every Act and Acts of Assembly, as comes within the purview and meaning of this Act, shall be, and the same is hereby repealed.

CHAP. LXVI.

An ACT for dividing the COUNTY of WASHINGTON.

BE it enacted by the General Assembly, That from and after the first day of May next, the County of Washington shall be divided into two distinct Counties, that is to say: All that part of the said County lying within a line, to be run along the Clinch Mountain to the Carolina line; thence with that line to the Cumberland Mountain, and the extent of country between the Cumberland Mountain, Clinch Mountain, and the line of Montgomery County, shall be one distinct County, and called and known by the name of Russel; and the residue of the said County shall retain the name of Washington. A Court for the said County of Russel shall be held by the Justices thereof, on the second Tuesday in every month, after the said division shall take place, in such manner as is by law provided for other Counties, and shall be by their commissions directed. The Justices to be named in the commission of the peace for the said County of Russel, shall meet at the House of William Robinson, in Castles Wood in the said County, on the first Court day after the said division takes place, and having taken the oath required by law, and administered the oath of office to, and taken bond of the Sheriff, proceed to appoint and qualify a Clerk, and fix upon a place for holding Courts in the said County, at or as near the centre thereof as the situation and convenience will admit of; and shall thenceforth proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding Courts as they shall think fit. *Provided always*, That the appointment of a place for holding Courts, and of a Clerk, shall not be made unless a majority of the Justices be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the County, in such case the appointments aforesaid shall be postponed until some Court-day when such majority shall be present. It shall be lawful for the Governor, with advice of the Council, to appoint a person to be first Sheriff of the said County, who shall continue in office during the term, and upon the same conditions, as is by law directed for other Sheriffs. *Provided always*, That nothing herein contained shall be construed to hinder the Sheriff of the said County of Washington from collecting and making distress for any public dues or officers fees, which shall remain unpaid by the inhabitants thereof at the time such division shall take place, but he shall collect, distrain, and account for the same, in like manner as if this Act had not been made. And the Court of the said County of Washington, shall have jurisdiction of all actions and suits, in law and equity, which shall be depending before them at the time the said division takes place, and try and determine the same, issue process, and award execution thereon. In all elections of a Senator, the said County of Russel shall be of the same district as the said County of Washington.

C H A P. LXVII.

An ACT for safe keeping the LAND PAPERS of the Northern Neck in the Register's Office.

SECTION I. **W**HEREAS it is necessary and expedient that the records and papers upon which the titles to their lands of the citizens of this Commonwealth depend, should be kept in the same office; and whereas it hath heretofore been customary to keep the records, documents, and entries of the lands within the District of the Northern Neck in the office of the late Proprietor:

SECT. II. *BE it enacted* That in future all such records, documents, books, and papers, shall be in the keeping of the Register of the Land Office, in the City of Richmond, who is hereby appointed keeper of the same; and the Executive shall, within three months from the passing of this Act, cause the said records, documents, books, and papers, to be safely removed from the said Proprietary Office into the Office of the Register, who shall give a receipt for the same, which receipt shall be lodged in the Council-Chamber, and recorded in the Council books. And the expences incurred by the said removal shall be paid out of the contingent fund.

SECT. III. *AND be it further enacted*, That every person having title or claim to any land or lands within the Northern Neck, shall, on application, be furnished with an authenticated copy of any record, document, or writing, by the Register; and such authenticated copies shall be evidence in all Courts of Record in which the title or quit-rents of any of the said lands shall at any time be drawn into question. **AND WHEREAS** since the death of the late Proprietor, the Right Honourable Thomas Lord Fairfax, no mode hath been adopted to enable those who had before his death made entries for waste and unappropriated lands in his office, nor to enable those who since his death have made entries within the said District, according to an Act of Assembly, intituled "An Act concerning Surveyors," to obtain titles for the same;

SECT. IV. *BE it therefore enacted*, That where any surveys have been heretofore made, or hereafter shall be made under entries made in the life of the said Proprietor, or under entries made with the Surveyor of any County, under the Act of Assembly aforesaid; and which have been returned to the said Proprietary Office, or shall hereafter be returned to the Register's Office, the Register shall make out grants therefor, to bear teste under the hand of the Governor and the seal of this Commonwealth, in the same manner as is by law directed in cases of other unappropriated lands; and the Surveyors with whom such entries have been made, are hereby directed and empowered, to proceed to survey and record the same, and to make return of such surveys to the Register's Office, in the same manner, and within the same time, as is or shall be directed in cases of warrants issued for other unappropriated lands within this Commonwealth, and thereupon grants shall issue in the manner herein before directed.

SECT. V. *AND be it further enacted*, That from and after the passing of this Act, the unappropriated lands within the said District shall be subject to the same regulations, and granted in the same manner, and all caveats shall be proceeded upon, tried and determined, as is by law directed in cases of other unappropriated lands belonging to this Commonwealth.

SECT. VI. *AND be it further enacted*, That upon grants issued under this Act, in consequence of entries heretofore made, a composition after the rate of thirteen shillings and four pence for every hundred acres, shall be paid to the Register, to be by him accounted for and paid into the Public Treasury, in the same manner as other monies by him received by virtue of his office; and the Surveyors within the said District shall for their services be entitled to and receive the same fees as other Surveyors within this Commonwealth for the like services.

SECT. VI. *AND be it further enacted*, That the land holders within the said District of the Northern Neck shall be forever hereafter exonerated and discharged from composition and quit-rents; any law, usage, or custom, to the contrary notwithstanding.

C H A P. LXVIII.

An ACT to revive the Act, intituled "An Act to empower the JUDGES of the GENERAL COURT to superintend and regulate the PUBLIC JAIL."

SECTION I. **W**HEREAS the Act of Assembly, passed in the year one thousand seven hundred and seventy-nine, intituled "An Act to empower the Judges of the General Court to superintend and regulate the Public Jail," will expire at the end of the present session of Assembly, and it is expedient and necessary that the same should be continued:

SECT. II. *BE it therefore enacted*, That the Act, intituled "An Act to empower the Judges of the General Court to superintend and regulate the Public Jail," shall be, and the same is hereby revived.

C H A P. LXIX.

An ACT to add that part of the County of YOHOGANIA, situate above Cross Creek and between the Western boundary of Pennsylvania and the River Ohio, to the County of OHIO.

SECTION I. **W**HEREAS, by the extension of the Western boundary between the State of Pennsylvania and this Commonwealth, the greater part of the County of Yohogania has fallen within the limits of the former, whereby the remainder of the said County is rendered too small and inconsiderable for a separate County:

SECT.

SECT. II. *BE it therefore enacted by the General Assembly, That all that part of the County of Ychogania remaining within the limits of this Commonwealth, shall be, and the same is hereby added to the County of Ohio.*

C H A P. L.

An ACT to repeal an Act, intituled "An Act to provide for the more effectual collection of the Tax of FIVE SHILLINGS per Hundred Acres on Lands granted by Patent, and to appropriate the Money arising therefrom."

SECTION I. **W**HEREAS the Act passed the last session of Assembly, intituled "An Act to provide for the more effectual collection of the tax of five shillings per hundred acres on lands granted by patent, and to appropriate the money arising therefrom," has been found partial in its operation;

SECT. II. *BE it enacted, That the said recited Act, and so much of every other Act or Acts, as imposes the tax of five shillings per hundred acres on lands granted by patent," shall be, and the same is hereby repealed.*

C H A P. LI.

An ACT authorizing the TREASURER to receive SPECIE into the public Treasury by Weight.

BE it enacted, That from and after the passing of this Act, the Treasurer shall receive into the Treasury, for taxes or otherwise (German gold excepted, which shall be received at four shillings and ten pence the pennyweight) all such coin as may be tendered in payment, according to its weight, whether the same may be under or over the weights established by law, at the rates fixed by an Act of Assembly, passed in the year one thousand seven hundred and eighty-two, intituled "An Act to amend and reduce the several Acts of Assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one Act," and that all Sheriffs, Collectors, and others authorized by law to receive monies of the citizens of this Commonwealth, to be paid into the public Treasury for taxes or otherwise, be directed to receive the same at the rates at which coin is hereby declared to be receivable at the Treasury: *Provided nevertheless, That this Act shall continue, and be in force, until the end of the next session of Assembly, and no longer.*

C H A P. LII.

An ACT to amend an Act, intituled "An Act for clearing and improving the Navigation of JAMES RIVER."

SECTION I. **W**HEREAS by the Act, intituled "An Act for clearing and improving the navigation of James River, it is among other things provided that the first subscriptions should not exceed the sum of one hundred thousand dollars, and that no toll should be demanded, except in a particular case, before the said river should be rendered capable of being navigated in dry seasons by vessels drawing one foot of water at the from the highest place practicable to the Great falls; and whereas it hath been represented to the General Assembly, that it may be necessary to extend the sum to be subscribed, and to put the depth of the canals in the discretion of the Company, and the point to which the navigation is directed to reach, before the demand of the tolls, is by being too vague, a discouragement to adventurers:

SECT. II. *BE it therefore enacted by the General Assembly, That it shall be lawful for the said Company, at any general meeting, to extend the shares, so as not to exceed one hundred in addition to those already subscribed, and to proportion the depth of the water in the canals to the depth of water in the river in dry seasons.*

SECT. III. *AND be it further enacted, That Crow's ferry, at the mouth of Loony's Creek, shall be forever taken and deemed to be the highest place practicable within the meaning of the above recited Act. AND WHEREAS, it may be found expedient for the said Company to borrow money to answer the purposes of their institution,*

SECT. IV. *BE it further enacted, That it shall be lawful for the President and Directors to give an interest of six per centum upon all sums of money that shall be lent to them for the carrying on of the work.*

C H A P. LIII.

An ACT to extend the operation of an Act, intituled "An Act concerning Escheators" to the several Counties in the NORTHERN-NECK.

SECTION I. **W**HEREAS the Act of Assembly, intituled "An Act concerning Escheators," does not in its operation extend to the Counties in the Northern-Neck, and it is necessary that Escheators should be appointed in the several Counties in that District:

SECT. II. *BE it therefore enacted, That the aforesaid Act of Assembly shall be carried into execution, and be in full force in the several Counties in the Northern-Neck. And the Court of*

each of the said Counties is hereby required to recommend to the Governor and Council, some proper person to be commissioned Escheator within such County, on or before first day of June next; and in case of the failure of such recommendation, it shall be lawful, and the Governor is hereby required, to appoint and commission, as soon as may be, an Escheator within each of the said Counties, who shall be a resident of such County.

C H A P. XLIV.

An A C T for dividing the County of LINCOLN into three distinct COUNTIES.

SECT. I. **B**E it enacted by the General Assembly, that from and after the first day of August next, the County of Lincoln shall be divided into three distinct Counties, that is to say: So much of the said County bounded by a line beginning at the confluence of Sugar-Creek and Kentucky River; thence a direct line to the mouth of Clark's Run; thence a straight line to Wilson's Station, in the fork of Clark's Run; thence the same course continued to the line of Nelson County; thence with the said line to the line of Jefferson County; thence with that line to Kentucky River; thence up the said River to the beginning, shall be one distinct County, and called and known by the name of Mercer: that such further parts of the said County, within the following lines, to wit, beginning at the confluence of Kentucky River and Sugar-Creek, thence up the said Creek to the fork James Thompson lives on; thence up the said fork to the head thereof; thence a straight line to where an East course from John Ellis's will intersect the top of the Ridge that divides the waters of Paint-Lick from the waters of Dick's River; thence along the top of the said Ridge Southwardly, opposite to Hickman's Lick; thence South forty-five degrees East to the main Rock-Castle River; thence up the said River to the head thereof; thence with the Ridge that divides the waters of Kentucky River from the waters of Cumberland River, to the line of Washington County; thence along the said line to the main fork of Kentucky River that divides the County of Fayette from the County of Lincoln; thence down the said River to the beginning, shall be one other distinct County, and called and known by the name of Madison; and all the residue of the said County shall retain the name of Lincoln. A Court for the said County of Mercer shall be held by the Justices thereof on the first Tuesday in every month, and also, a Court for the said County of Madison shall be held by the Justices thereof on the fourth Tuesday in every month, after the said division shall take place, in such manner as is by law provided for other Counties, and shall be by their commissions respectively directed. The Justices to be named in the commission of the peace for the said County of Mercer, shall meet at Harrodsburg, in the said County, and the Justices to be named in the commission of the peace for the said County of Madison, shall meet at the House of George Adams, in the said County, upon their respective Court-days, after the said division shall take place; and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the respective Sheriffs, according to law, proceed to appoint each a Clerk, and fix upon a place for holding Courts in each of the said Counties, at or as near the centre thereof as the situation and convenience will admit; and thenceforth each of the said Courts shall proceed to erect the necessary public buildings at such place, and until such buildings be completed, to appoint any place for holding Courts as they shall respectively think proper. *Provided always,* that the appointment of a place for holding Courts, and of a Clerk, shall not be made unless a majority of the Justices of each of the said Counties be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the County, in such cases the appointment shall be postponed until some Court-day when a majority shall be present. The Governor, with advice of the Council, shall appoint a person to be first Sheriff of each of the said Counties, who shall continue in office during the term, and upon the same conditions, as is by law appointed for other Sheriffs. It shall be lawful for the Sheriff of the said County of Lincoln to collect and make distress for any public dues or officers fees, which remain unpaid by the inhabitants thereof at the time such division shall take place, and shall be accountable for the same, in like manner as if this Act had not been made. And that the Court of the said County of Lincoln, shall have jurisdiction of all actions and suits, in law and equity, depending before them at the time of the said division, and shall try and determine the same, and issue process, and award execution thereon. In all elections of a Senator, the said Counties of Mercer and Madison shall be of the same district with the said County of Lincoln.

SECT. II. **A**ND be it further enacted, That all principal Surveyors heretofore appointed, or hereafter to be appointed, shall, and they are hereby authorized, to demand and receive all entries, warrants, and certificates, from the principal Surveyors of the old County which may not have been surveyed when the County was divided, and which may, on the division, fall within the limits of the new Counties.

C H A P. LV.

An A C T concerning Election of MEMBERS of General Assembly.

SECTION I. **B**E it enacted by the General Assembly, That the Delegates for the several Counties, and the City of Williamsburg and Borough of Norfolk, and the six Senators for one of the four classes of districts, in the room of those who will annually be displaced, shall be chosen, in the manner hereafter directed, in the month of April in every year, on the Court days

days of each respective County or Corporation, and shall meet together, and with the remaining Senators, on the third Monday of October then next following, in General Assembly, at the place the last preceding General Assembly shall have sat in, or adjourned to, unless such place be in possession of a public enemy, or infected with the plague or smallpox, in which case they shall meet at such other place as the Governor, with the advice of the Council, shall appoint, and notify by proclamation.

SECT. II. EVERY male citizen (other than free negroes or mulattoes) of this Commonwealth, aged twenty-one years, or such as have refused to give assurance of fidelity to the Commonwealth, being possessed, or whose tenant for years, at will, or at sufferance, is possessed of twenty-five acres of land, with a house, the superficial content of the foundation whereof is twelve feet square, or equal to that quantity, and a plantation thereon, or fifty acres of unimproved land, or a lot or part of a lot of land in a City or Town established by Act of General Assembly with a house thereon, of the like superficial content or quantity, having in such land an estate of freehold at the least, and, unless the title shall have come to him by descent, devise, marriage, or marriage-settlement, having been so possessed six months, and no other person shall be qualified to vote for Delegates to serve in General Assembly, for the County, City, or Borough respectively, in which the land lieth. If the fifty acres of land being one entire parcel, lie in several Counties, the holders shall vote in that County wherein the greater part of the land lieth only; and if the twenty-five acres of land, being one entire parcel, be in several Counties, the holder shall vote in that County wherein the house standeth only. In right of land holden by parceners, joint-tenants, or tenants in common, but one vote shall be given by all the holders capable of voting, who shall be present, and agree to vote for the same candidate or candidates, unless the quantity of land, in case partition had been made thereof, be sufficient to entitle every holder present to vote separately, or unless some one or more of the holders may lawfully vote in right of another estate or estates in the same County, in which case the others may vote, if holding solely, they might have voted.

SECT. III. EVERY person having such a freehold in the City of Williamsburg or Borough of Norfolk, as will qualify him to vote for Delegates to represent the County, and also every freeman, except as before excepted, aged twenty-one years, being a citizen of the Commonwealth, and not having refused to give assurance of fidelity, who shall be a house-keeper, and shall have resided for six months in the said City or Borough, and shall be possessed of a visible estate of the value of fifty pounds at least, or shall actually have served as an apprentice to some trade within the said City or Borough for the term of five years, and shall have obtained a certificate of such service from the Court of Hustings; under the common seal of the City or Borough, and no other, shall be qualified to vote for a Delegate to represent the said City or Borough respectively in General Assembly. Every person qualified as aforesaid to vote for Delegates, shall be capable of being elected a Delegate for the County, City, or Borough, or Senator for the District in which he resides. No person who shall have served as a Member of the Legislature for seven years in the whole, shall be afterwards compellable to serve therein. Any elector qualified according to this Act, failing to attend any annual election of Delegates or of a Senator, and, if a poll be taken, to give or offer to give his vote, shall pay one-fourth of his portion of all such levies and taxes as shall be assessed and levied in his County the ensuing year: And for discovering such defaulters, the Sheriff or other officer taking the poll, shall with ten days after the said election, deliver to the Clerk of the County or Corporation Court, as the case may be, a copy of the poll by him taken, to be kept in his office, who shall suffer any candidate or elector to take a copy thereof, and the said Clerk is hereby directed to cause a copy of the same to be delivered to the next Grand-Jury to be sworn for the County or Corporation, who shall be charged by the presiding Magistrate to make presentment of all such persons qualified to vote residing in the said County or Corporation, who shall have failed to have given their votes at the said election agreeable to law. And for the better information of the said Jury, the Sheriff of the County is hereby commanded, under the penalty of fifty pounds, to be recovered and appropriated as the penalties for other neglects of his duty, to lay before them a list of all the land-holders resident therein. Every elector, going to, abiding at, and returning from an election, shall be privileged from arrests one day for every twenty miles he shall necessarily travel, exclusive of the day of election; and any process against such elector, executed during such privilege, shall be void. Upon the election of a Senator, and also of a Delegate, or Delegates, when the election of such Delegate or Delegates cannot be determined by view, the Sheriff, or in his absence, the under Sheriff of the County, or the Mayor of the City or Borough, shall in presence of the candidates, or their agents, cause the poll to be taken in the Court-house, or if that be in a Town infected with any contagious disease, or be in danger of an attack from a public enemy, at some other place according to these directions: He shall appoint such and so many writers as he shall think fit, who shall respectively take an oath, to be administered by him, or make solemn affirmation that they will take the poll faithfully and impartially: He shall deliver a poll-book to each writer, who by ruling lines thereon, having made as many columns as there shall be candidates, shall enter the name of each candidate in a distinct column at the head thereof, and under his name in the same column the name of every elector, who shall vote for that candidate; and after the names of all the electors who will give their votes (proclamation having been made three times at the door of the Court-house, or other place of holding such election, by the officer requiring those who had not been polled, to come in and give their votes) shall have been thus entered, he shall conclude the poll, and declare the candidates for whom the greatest number

of votes shall appear to have been given to be elected; or if the greatest number of votes for several candidates shall be equal with one another, he may declare which of the candidates he will elect. If the number of votes for several persons to be a Senator be equal, and the votes of the returning officers be equal also, it shall be decided by a lot taken by the said returning officers at their meeting, which shall be within twenty days after the last day of election, at such place as shall be appointed by the returning officer of the first County in which such election shall be, who is hereby commanded forthwith to give notice to the returning officers. No elector shall be admitted to poll a second time, at one and the same election, although at the first time he shall have given but a single vote. If the electors who appear, be so numerous that they cannot all be polled before sun-setting; or if by rain or rise of water-courses, many of the electors may have been hindered from attending, the Sheriff, or under Sheriff, may by request of any one or more of the candidates, or their agents, adjourn the proceeding on the poll until the next day, and so from day to day for four days (Sundays excluded) if the same cause continue, giving public notice thereof by proclamation at the door of the Court-house, or other place of holding such elections, and shall on the last day of the election conclude the poll according to the directions aforesaid. On complaint to either House of Assembly of an undue election, or return of any Member to their House, such House shall forthwith appoint some day for trying the same, as shortly as shall be consistent with fair enquiry, but not within less than fourteen days after such complaint lodged, whereof notice shall be given by the Speaker to the party against whom the complaint is, if he be absent; which day of trial may be lengthened from time to time, on good cause shewn to the House, and notice to the absent party. On the day appointed for the trial, the Committee of Privileges and Elections shall proceed on the said disputed election, and report to the House of which they are Members, their opinion thereon, before they proceed to any other business, and the said House shall, on receipt of the said report, immediately proceed to determine thereon, and either confirm or disagree to such report, as to them shall seem just. If any person sworn before the said Committee, shall give, or withhold, any evidence under such circumstances as would have constituted the same to be perjury, if done in presence of a Court of Record, the same shall be deemed perjury.

SECT. IV. IF upon any such trial it shall appear that equal numbers of qualified electors shall have voted for the petitioner and the sitting Member, and the officer who conducted the election shall swear or solemnly affirm that if such equality had appeared at the election, he would have declared the petitioner elected, such petitioner shall be deemed duly elected; and his name instead of the name of the sitting Member, which shall be erased, shall be inserted in the certificate or return. No elector shall be polled before he shall have declared, if required to do so by any candidate or his agent, in what right he offers to vote, and shall have taken an oath, which the officer conducting the election shall administer, or make a solemn affirmation in this form: "I do swear (or do solemnly affirm) that I do in my conscience believe myself to be duly qualified to vote for Delegates to serve in General Assembly for the County of _____, according to the Act of General Assembly, intituled 'An Act _____' of which oath or affirmation a note shall be made in the poll-book opposite, and referring to the name of the person swearing or affirming.

SECT. V. THE making such oath or affirmation falsely, shall be perjury. The names of electors offering to be polled, but refusing to make such oath or affirmation, shall be entered on the poll-books in separate lists, with the names of the candidates for whom they voted, and shall be added to the poll, if, upon a scrutiny the votes be justified.

SECT. VI. THE Sheriff or under Sheriff shall certify the election of Delegates in this form, or to this effect: "Be it known to all to whom these presents shall come, that I _____, Sheriff (or _____, deputy of _____, Sheriff) of the County of _____, in my full County, held at the Court-house thereof (or at _____) on the _____ day of _____, in the year of our Lord, _____, by the electors of my said County, qualified according to law, caused to be chosen two Delegates for my said County, namely, _____ and _____ to represent the same in General Assembly. Given under my hand and seal, the day and year aforesaid."

SECT. VII. THE Mayor of a City or Borough entitled to particular representation, shall certify the election of a Delegate in this form, or to this effect: "Be it known to all to whom these presents shall come, that I _____, Mayor of the City (or Borough) of _____, at the Court-house of (or at _____) in the said City, (or Borough) on the _____ day of _____, in the year of our Lord, _____, by the electors of the said City (or Borough) qualified according to law, caused to be chosen a Delegate for the said City (or Borough) namely, _____ to represent the same in General Assembly. Given under my hand and seal, the day and year aforesaid."

SECT. VIII. THE Sheriffs, or under Sheriffs, of the several Counties of a District, shall certify the election of a Senator in this form, or to this effect: "Be it known to all to whom these presents shall come, that we _____ Sheriff (or _____, deputy of _____, Sheriff) of the County of _____, _____ Sheriff (or _____, deputy of _____, Sheriff) of the County of _____, and _____ Sheriff (or _____, deputy of _____, Sheriff) of the County of _____, in our full Counties held at the Court-houses thereof (or at _____) respectively, on the _____ day of _____, in the year of our Lord, _____, by the electors of our said respective Counties, qualified according to law, caused to be chosen a Senator for the District composed of the said Counties, namely, _____, to represent the same in General Assembly. Given under our hands and seals, the day and year aforesaid."

SECT.

SECT. X. THE officers directed to make such certificates of elections as aforesaid, shall cause them to be delivered, those of Delegates, to the Clerk of the House of Delegates, and those of Senators, to the Clerk of the Senate, one day at least before the succeeding session of General Assembly. For election of a Delegate or Senator, when a vacancy shall happen, a writ or writs shall be issued by the Speaker of that House whereof he was a Member, but if the vacancy be occasioned by acceptance of an office, the writ or writs shall not be issued, without the special order of the House; and the officer to whom such writ shall be directed, so soon after the receipt thereof as he may be able, shall give the electors notice thereof as well as of the time and place of election, by advertisement to be affixed at four of the most convenient places in the County, and shall cause the election to be made in the manner herein before prescribed, and shall have the same power of adjourning the proceeding upon the poll, as in case of a general election. The return of such writ for electing a Delegate or Delegates, shall be in this form, or to this effect: Upon the writ shall be endorsed these, or the like words, "*The execution of this writ appears in a schedule hereunto annexed;*" and on another paper annexed to the writ shall be written, if the writ be for the election of a Delegate for a County, these or the like words, "*By virtue of this writ to me directed, in my full County held at the Court-house thereof (or at ———) on the ——— day of ———, in the year of our Lord, ———, by the electors of my said County, qualified according to law, I caused to be chosen a Delegate (or two Delegates) for my said County, namely, ———, to represent the same in General Assembly. Given under my hand and seal, the day and year aforesaid;*" and if the writ be for the election of a Delegate for a City or Borough, these, or the like words, "*By virtue of this writ to me directed, at the Court-house of the City of ——— (or Borough of ———, or at ———, in the Borough of ———) on the ——— day of ———, in the year of our Lord, ———, by the electors of the said City (or Borough) qualified according to law, I caused to be chosen a Delegate for the said City (or Borough) namely, ———, to represent the same in General Assembly. Given under my hand and seal, the day and year aforesaid;*" and the return of the writs for electing a Senator shall be in this form, or to this effect: Upon each writ shall be endorsed these, or the like words, "*The execution of this writ appears in a schedule hereunto annexed;*" and on another paper connecting the several writs together, shall be written these, or the like words, "*By virtue of these writs to us directed, in our full Counties, held at the Court-houses thereof respectively (or at ———) on the ——— day of ———, in the year of our Lord, ———, by the electors of our said respective Counties, qualified according to law, we caused to be chosen a Senator for the District composed of our said Counties, namely, ———, to represent the same in General Assembly. Given under our hands and seals, the day and year aforesaid.*"

SECT. X. AND the officers conducting the elections, shall make their said returns to the General Assembly, if it be sitting, immediately, or if it be not sitting, one day at least before the time to which the writ shall be returnable. A Sheriff, under Sheriff, or Mayor, refusing to take the poll when he shall be required by a candidate, or elector, or taking it in other manner than is herein before prescribed, or making a false certificate or return of the election of a Member or Members to serve in the General Assembly, or neglecting to cause the certificate or return of such election to be made to such Clerk, and at or before such time as is herein before directed, shall forfeit and pay one hundred pounds; and neglecting to deliver the poll-books to the Clerk of the Court, to whom, and before the expiration of the time within which they are herein before directed to be delivered, or refusing to suffer any candidate or elector, at his own expence, to take a copy of the poll-books, shall forfeit and pay fifty pounds; which penalties may be recovered with costs in actions of debt, by any person who will sue for the same, one half to his own use, and the other half to the use of the Commonwealth. Any person hereafter to be elected to serve in the General Assembly, who shall directly or indirectly give or agree to give any elector or pretended elector, money, meat, drink, or other reward, in order to be elected, or for having been elected, for such, or any other County, City, or Borough, shall be expelled and disabled to be re-elected during the term of three years.

SECT. XI. THE privilege of Members of the General Assembly shall continue during every session, and one day before and after for every twenty miles they must necessarily travel to, and from home, and in the meantime process in which they are parties shall be suspended, without abatement or discontinuance; if any person taken in execution, be delivered by privilege of either House of General Assembly, so soon as such privilege ceaseth, he shall return himself a prisoner in execution, or be liable to an escape.

SECT. XIV. IF a sufficient number of the Members of General Assembly, or of either House thereof, to adjourn from day to day, shall not meet at any time when they ought, the Governor by proclamation, with advice of the Council, may prorogue the General Assembly, or adjourn the deficient House, from day to day, until a sufficient number shall convene, and their acts and proceedings afterwards shall be as valid as if there had been no such interruption. But a Delegate or Senator shall lose all the wages he would otherwise have been entitled to, if he shall depart from the General Assembly before it be adjourned, without licence from the Speaker and other Members of the House whereof he is a member, first entered on the Journal; yet any Member of either House taken so sick during his attendance in General Assembly, or in his journey thither, as that he shall be unable to come to or sit in the House, shall receive wages for every day of the session he shall be so disabled, in the same manner as if he had sat in the House. If on the day appointed for the meeting of any General Assembly, or at any time during the session, a sufficient number of the Members thereof, to proceed to business, do not attend for that purpose, every absent Delegate or Senator, shall, besides losing his wages during absence, forfeit and pay to the use of this Commonwealth ten pounds; such forfeiture to be recovered by prosecution to be

instituted in the General Court by order of such House, and on the trial of such prosecution, no excuse for non-attendance, other than those before-mentioned, shall be admitted by the Jury; and if it be alledged that the defendant did attend such House, on any of the days during which they could not do business for want of Members, the proof of such attendance shall rest on him. The General Assembly may during a session, or at the end thereof adjourn to any other place than that where they shall then be sitting. Every Act of the General Assembly hereafter to be made, shall commence and be in force from the passing thereof, unless in the Act itself another day for the commencement thereof be particularly mentioned, and in the former case the day of passing thereof shall be noted next after the title.

SECT. XII. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

CHAP. LVI.

An ACT empowering one of the PRIVY COUNCIL to officiate in certain cases as LIEUTENANT-GOVERNOR.

BE it enacted by the General Assembly, That if the Governor and President of the Privy Council shall die, or otherwise become unable to perform his duty, in the recess of the General Assembly, the Privy Councillor whose name stands next in the list of their appointments, shall officiate as Lieutenant-Governor, until the vacancy be supplied, or the disability cease. And in the absence of the Governor, such intended absence having been previously notified to them by him, and entered on their Journals, or in the like absence of the President, and upon the like notification, if any business to be transacted at the Council Board necessarily require dispatch before he can attend it, the Council may proceed without him; and in either case the Act shall be as valid as if he had been present. This Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

CHAP. LVII.

An ACT concerning the PUBLIC TREASURER.

BE it enacted by the General Assembly, That the Public Treasurer may continue in office without re-election, until the end of the session of General Assembly next after one year from the time of his appointment shall have expired. On his first election, before he shall have power to act, he shall give bond to the Governor, with sureties to be approved by the Council of State, in the penalty of four hundred thousand pounds, payable to the Commonwealth, with condition that he will faithfully account for all monies and other things, which shall come to his hands in virtue of his office, and perform all other duties thereof; and shall take an oath to the same purpose, and give assurance of fidelity to the Commonwealth, before some Court of Record, or before a Judge or a Justice thereof, the administration of which oaths, or the certificate thereof, shall be recorded in such Court. When the office shall become vacant, during the recess of the General Assembly, the Governor, with advice of the Council of State, shall appoint a successor, to act until such time as he or another shall be legally elected. Upon a motion made to the General Court, by a succeeding Treasurer, on behalf of the Commonwealth, whereof more than ten days notice in writing shall have been given to the obligors, judgment may be awarded for the penalty of the said bond, to be discharged by payment of so much as a Jury, to be impannelled instantly, for trial of the issue, if an issue be joined, or to enquire of damages, if the defendants make default, shall find to be due by breach of the condition aforesaid, with costs. The Treasurer, in books, provided at public expence, shall state the accounts of money by him received for public taxes and impositions, and paid in pursuance of Acts and Votes of General Assembly, in such a manner as that the nett produce of the whole revenue, as well as of every branch thereof, and the amount of disbursements in discharge of the several demands, may distinctly appear, and lay the said accounts from time to time, and all his other transactions, before the General Assembly. And if he divert or misapply any of the public treasure, being convicted thereof, upon such prosecution as is before prescribed, he shall not only be adjudged to pay double the money so found to have been diverted or misapplied, to the use of the Commonwealth, but shall thereby be rendered incapable of any office of public trust. This Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

CHAP. LVIII.

An ACT for the appointment of CLERKS to the Governor and Council.

BE it enacted by the General Assembly, That the Governor and Council shall have power to appoint, from time to time as they shall be wanting, a drawing Clerk, a copying Clerk, and a Clerk of Foreign Correspondence, who shall each of them take an oath, to be administered by any member of the Board, to keep secret all such matters as they shall direct them to keep secret; which Clerks shall be removable at their will. This Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

CHAP.

C H A P. LIX.

An ACT concerning SEAMEN.

BE it enacted by the General Assembly, That every seaman, whose habitation is within this Commonwealth, not less than eighteen nor more than fifty years old, capable of sea service, and willing to serve in the ships or vessels of the Commonwealth, may give in a ticket, containing his christian-name, sur-name, and proper addition, with his age, and the place of his habitation, and the time when the ticket shall be delivered to any Naval-Officer, who shall transmit it to the Executive, to be by them entered in a register. Promotion to commission and warrant officers in the navy becoming vacant, shall be made and adjusted according to the order following: Seamen registered and actually serving, shall be preferred to all others, and of the former, those who shall have served a longer to such as shall have served a shorter time; and if the times of service shall have been equal; they whose tickets shall be of prior to those whose tickets shall be of posterior dates; and if the merits of the competitors shall be equal, in those respects the preference shall be decided by lot. Every registered seaman, actually serving in the navy, disabled by age or wounds, so as that he can be no longer useful there, and not being in a condition to maintain himself comfortably, nor having been promoted to any commission or warrant office, or to the office of Master, Mate, Boatswain, Gunner, Carpenter, Purser, or Surgeon, obtaining a certificate thereof from the Captain, Master, and Surgeon of the ship or vessel, on board of which he had served, under their hands and seals; shall receive from the Treasurer the sum of fifteen pounds every year during his life; and the widow of every registered seaman, serving on board of a ship or vessel of war, slain or drowned in the service, if he was not in such a condition, and had not been promoted to such office as aforesaid, obtaining the like certificate thereof, shall receive from the Treasurer the sum of eight pounds every year during her life. But a registered seaman, withdrawing himself from the service of the Commonwealth, in the time of actual war, and not re-appearing on board one of the ships or vessels thereof, within thirty days after he shall have been required so to do, by any officer of the navy, unless detained by sickness, to be proved by the oaths of two witnesses, shall have no benefit by this Act. And out of the wages due, or becoming due, to every seamen serving on board a ship or vessel belonging to the Commonwealth, or any citizen thereof, and used in sea voyages, six-pence per month shall be paid by the Commander thereof, if she be a ship or vessel of war, public or private, to the Treasurer, or if she be a mercantile ship or vessel, to the Naval Officer of the port where she shall be entered inward, or cleared outward, who shall discover the number, wages, and time of service of all persons belonging to the ship or vessel, by examining the Commander of her, upon oath or affirmation; and account for what he shall receive to the Treasurer; and the money so to be collected, shall be applied towards reimbursing the annuities to disabled registered seamen, and to the widows of those who shall be slain or drowned in the public service. Boys, of the age of ten years or upwards, who shall beg for alms, or who, or whose parents are, or shall be chargeable to any County, may, by the Court of the County wherein they inhabit, be bound apprentices by indentures, to Owners or Masters of ships or vessels used in sea voyages, and belonging to any ports within this Commonwealth, until they shall attain to the ages of twenty-one years respectively; in every one of which indentures the age of the boy to be ascertained by the Register of Births, or, not being entered therein, by the adjudication of the Court, shall be inserted, with a covenant on the part of the Master, that he will provide sufficient food, and convenient raiment and lodging for his apprentice, and employ him in the sea service, and in such offices as appertain thereto, and moreover, deliver to him a suit of clothes suitable to the season, to wit, a coat, waistcoat, pair of breeches, two pair of stockings, a pair of shoes, and a hat, with a blanket. And every Owner or Master of a ship or vessel, used in sea voyages, and belonging to a port within this Commonwealth, shall be obliged to take one of such apprentices, not being under thirteen or above seventeen years of age, nor being deficient in health and strength of body, if the ship or vessel be of the burthen of thirty and not more than fifty tons; another for the next fifty tons of her burthen, and one more for every hundred her burthen shall exceed one hundred tons; and refusing so to do, if he shall be required, unless he shall have an equal number of other apprentices, shall forfeit ten pounds, to be recovered with costs, in an action of debt, by him who will sue, one half to his own use, and the other half to the use of the County wherein the boy shall inhabit. The apprentice so bound shall be clothed, if it be necessary, and conveyed to the port his Master shall belong to, at the expence of the County from which he shall be sent. The Clerks of the Courts shall transmit the names of the Masters and apprentices, with the ages of the latter, and the times when they shall be bound, to the Executive, to be entered by them in their register; and the apprentices, after they shall have been eighteen years old, shall be deemed registered seamen, entitled to the benefit of this Act, in like manner as if they had voluntarily given in tickets. The County Court nearest to a port in which an apprentice bound by virtue of this Act, or otherwise, shall serve, or ought to serve on board of a ship or vessel, shall, at any time when they shall be fitting, receive and hear a complaint made to them by him of hard or ill usage, or breach of covenant, and redress the complaint, if he shall appear to have justly complained, prescribing milder or better treatment for the future, ordering an action to be commenced against the Master, or removing the apprentice and binding him to another Master, as it may seem right and expedient. Any Justice may, by warrant under his hand and seal, cause any able-bodied man, who not having wherewithall to maintain himself, shall be found loitering, and shall leave a wife or children, without means for their subsistence, whereby they may

may become burthenfome to their County, or shall wander abroad, without betaking himself to some honest employment, or shall go about begging, to be apprehended and brought before him, and if he shall, upon examination of himself, or by the testimony of others, appear to be within this description, the Justice, by his warrant, may cause such vagrant to be sent and delivered on board any ship of war or other vessel belonging to the Commonwealth, there to serve as a seaman during the term of eighteen months. An agreement in writing shall be made between the Master or Commander and seamen, not being his apprentices, of every ship or vessel, belonging to any port of the Commonwealth, and bound to parts beyond sea, and be signed by both parties, and by the seamen within three days after they shall have shipped and entered themselves respectively, declaring the voyage to be performed, and ascertaining the wages, either by the month or for the run, to be paid to every seaman; and any such Master or Commander proceeding on the voyage before that agreement shall be made and signed, shall forfeit the sum of five pounds for every seaman who shall not have signed it, carried out in the vessel, to be recovered with costs, by information, and to be paid to the Treasurer for the same purpose as the six-pence per month out of the wages of seamen. Any seaman who shall have signed such agreement, absenting himself from the ship or vessel, without leave of the Master or other Officer having charge of her, shall forfeit for every day's absence the pay of two days, and refusing to proceed on the voyage, or deserting from the ship or vessel, shall forfeit the wages then due. But seamen shall not be deprived by the agreement of any remedy for their wages, which they might have lawfully pursued before this Act; and in any suit between them and the Master, it shall be incumbent upon him to exhibit the agreement, if it shall be requisite, and they shall not lose or suffer any thing by his suppression of it, or failure to produce it. The Master or Commander of any such ship or vessel, arriving from beyond the sea into a port of the Commonwealth, shall, within thirty days after she shall be entered at the Naval-Office, unless there shall have been a covenant to the contrary, or at the time of discharging the seamen, which ever shall first happen, pay the wages due to every seaman, if he shall demand them, after deducting what may, by virtue of this Act, be withheld, or refusing so to do, shall pay to him, over and above the wages detained, the further sum of twenty shillings, to be recovered with the other demand. A seaman who shall belong to a ship or vessel, travelling by land or water, and having no certificate of his discharge, signed by the Master or Commander, or a pass or order with the like signature, or that of some other Officer of the ship or vessel, unless he shall be going to a proper place to seek redress of any grievance, shall be deemed a deserter, and may be apprehended by any person, and brought before a Justice of the Peace, and shall be by his warrant returned, through the hands of Constables, one taking him from another, and conveying him to the next; and for this service the Master or Commander, if the seaman shall not have been discharged, shall pay to the person who shall apprehend him, ten shillings, and to the Constables, one shilling, for every mile they shall conduct him, and to be proportioned amongst them by the number of miles they shall respectively go, in the most direct way, to ascertain which, a certificate of the whole distance from the place where he was apprehended to the port the ship or vessel shall be at, shall be endorsed by the Justice of the Peace on his warrant; and if the Master or Commander shall refuse to pay the money to the persons entitled to it, or to others authorized by their orders to receive it, the Naval-Officer of the port with whom the warrant and orders shall be left, shall not clear the ship or vessel out before it shall be paid to him for their use, unless the Master or Commander shall make it appear, by the oath of himself, or of some other on board, that the seaman had not been returned, or had been discharged before he was apprehended; and the Master or Commander paying the money may deduct it out of the wages becoming due to the seaman. A Constable wilfully or negligently suffering a seaman, not being discharged from his ship or vessel, who shall have been committed by warrant of a Justice of the Peace to his custody, to escape, unless he shall recover him, and proceed to deliver him as the warrant required, shall, upon complaint made to a Justice of the Peace, which he shall be summoned to answer, pay the reward due to the person who apprehended the seaman, and to the Constables by whom he had before been conducted, and shall moreover pay the sum of five pounds to the Master or Commander of the ship or vessel, to be recovered with costs, by petition to the County, City, or Borough Court. A person concealing a deserted seaman, shall pay the sum of three pounds to the Master or Commander of the ship or vessel to which he shall belong, to be recovered with costs. The Master or Commander of a ship or vessel, who shall entertain, employ, or hire a seaman, belonging to a ship or vessel owned by a citizen of the Commonwealth, before he shall have been discharged, shall pay to the owner the sum of twenty pounds, to be recovered with costs, by action of debt. Two Justices of the Peace may hear a complaint made to them of any mutinous or refractory behaviour in a seaman or waterman, and causing the parties to appear before them at a convenient time, in some place near the ship or vessel they shall belong to, with their witnesses, may adjudge the accused, if he shall be proved to have stricken, or to have offered to strike, the Master or other superior Officer, or to have threatened to do any bodily hurt to him, or to have peremptorily refused, without just cause, to obey his commands, to forfeit to the owner such part of the wages due to the seaman or waterman as will make reasonable amends for the injury and damage, not exceeding the sum of five pounds, and if satisfaction cannot be obtained by other means, may award execution for the amount of the forfeiture, or so much thereof as shall exceed the wages due, against his goods and chattels. But seamen or watermen shall not be obliged to serve on board of any ship or vessel if such sufficient wholesome victuals and drink, and convenient accommodations, as are customary in the merchant service, shall not be provided for and allowed to them. A Master who shall correct immoderately, or maim a seaman

seaman under his command, may be brought before any Justice of the Peace by his warrant, and be compelled to give security for his good behaviour, and shall moreover be liable to the action of the party injured for damages. The Master or Commander of a ship or vessel, who shall put and leave on shore any sick or disabled seaman, not entitled to his discharge by their contract, without providing for his cure and maintenance, shall forfeit twenty pounds, to be recovered with costs, by action of debt, one half to him who will sue, to his own use, and the other half to the use of the County in which the seaman shall be left, and applied towards his cure and maintenance. The Master or Commander of a ship or vessel, discharging a seaman from his service, shall sign and deliver to him a certificate thereof, and refusing so to do, when it shall be required, shall pay the sum of five pounds to the seaman, to be recovered with costs, by action of debt. This Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LX.

An ACT Directing the COURSE of DESCENTS.

SECTION I. **B**E it enacted by the General Assembly, That henceforth when any person having title to any real estate of inheritance, shall die intestate as to such estate, it shall descend and pass in parcenary to his kindred male and female in the following course, that is to say:

SECT. II. TO his children or their descendants, if any there be:

SECT. III. IF there be no children nor their descendants, then to his father.

SECT. IV. IF there be no father, then to his mother, brothers and sisters, and their descendants, or such of them as there be:

SECT. V. IF there be no mother, nor brother, nor sister, nor their descendants, then the inheritance shall be divided into two moieties, one of which shall go to the paternal, the other to the maternal kindred, in the following course, that is to say:

SECT. VI. FIRST to the grandfather:

SECT. VII. IF there be no grandfather, then to the grandmother, uncles and aunts on the same side, and their descendants, or such of them as there be:

SECT. VIII. IF there be no grandmother, uncle nor aunt, nor their descendants, then to the great grandfathers, or great grandfather if there be but one:

SECT. IX. IF there be no great grandfather, then to the great grandmothers, or great grandmother if there be but one, and the brothers and sisters of the grandfathers and grandmothers, and their descendants, or such of them as there be:

SECT. X. AND so on in other cases without end; passing to the nearest lineal male ancestors, and for the want of them to the lineal female ancestors in the same degree, and the descendants of such male and female lineal ancestors, or to such of them as there be.

SECT. XI. BUT no right in the inheritance shall accrue to any persons whatever, other than to children of the intestate, unless they be in being and capable in law to take as heirs at the time of the intestate's death.

SECT. XII. AND where for want of issue of the intestate, and of father, mother, brothers and sisters, and their descendants, the inheritance is before directed to go by moieties to the paternal and maternal kindred, if there should be no such kindred on the one part, the whole shall go to the other part: And if there be no kindred either on the one part or the other, the whole shall go to the wife or husband of the intestate. And if the wife or husband be dead, it shall go to her or his kindred, in the like course as if such wife or husband had survived the intestate and then died, entitled to the estate.

SECT. XIII. AND in the cases before mentioned where the inheritance is directed to pass to the ascending and collateral kindred of the intestate, if part of such collaterals be of the whole blood to the intestate, and other part of the half blood only, those of the half blood shall inherit only half so much as those of the whole blood: But if all be of the half blood, they shall have whole portions, only giving to the ascendants (if there be any) double portions.

SECT. XIV. AND where the children of the intestate, or his mother, brothers, and sisters, or his grandmother, uncles, and aunts, or any of his female lineal ancestors living, with the children of his deceased lineal ancestors male and female in the same degree come into the partition, they shall take per capita, that is to say by persons; and where a part of them being dead, and a part living, the issue of those dead have right to partition, such issue shall take per stirpes, or by stocks, that is to say, the share of their deceased parent.

SECT. XV. AND where any of the children of the intestate, or their issue, shall have received from the intestate in his life-time any real estate by way of advancement, and shall choose to come into partition with the other parceners, such advancement shall be brought into hotchpot with the estate descended.

SECT. XVI. IN making title by descent it shall be no bar to a demandant that any ancestor through whom he derives his descent from the intestate, is or hath been an alien. Bastards also shall be capable of inheriting or of transmitting inheritance on the part of their mother, in like manner as if they had been lawfully begotten of such mother.

SECT. XVII. WHERE a man having by a woman one or more children, shall afterwards intermarry with such woman, such child or children, if recognized by him, shall be thereby legitimated. The issue also in marriages deemed null in law shall nevertheless be legitimate.

SECT. XVIII. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXI.

An ACT concerning WILLS; the Distribution of intestates ESTATES; and the Duty of EXECUTORS and ADMINISTRATORS.

SECTION I. **B**E it enacted by the General Assembly, That every person aged twenty-one years or upwards, being of sound mind, and not a married woman, shall have power at his will and pleasure, by last will and testament in writing, to devise all the estate, right, title, and interest, in possession, reversion, or remainder, which he hath, or at the time of his death shall have, of, in, or to lands, tenements, or hereditaments, or annuities, or rents charged upon issuing out of them; so as such last will and testament be signed by the testator, or by some other person in his presence, and by his direction; and moreover, if not wholly written by himself, be attested by two or more credible witnesses subscribing their names in his presence.

SECT. II. SAVING to the widows of testators, their dower in such lands, tenements, rents, or annuities, according to the laws, which shall not be prejudiced by any devise thereof.

SECT. III. NO devise so made, or any clause thereof, shall be revocable but by the testator's destroying, cancelling, or obliterating the same, or causing it to be done in his presence, or by a subsequent will, codicil, or declaration in writing, made as aforesaid. But every last will and testament, made when the testator had no child living, wherein any child he might have is not provided for, or mentioned, if at the time of his death he leave a child, or leave his wife enfeint of a child, which shall be born, shall have no effect during the life of such after born child, and shall be void unless the child die without having been married, or before he or she shall have attained the age of twenty-one years. When a testator shall leave children born, and his wife enfeint, the posthumous child or children, if neither be unprovided for by settlement, and be neither provided for nor disinherited, but only pretermitted by the last will and testament, shall succeed to the same portion of the father's estate, as such child would have been entitled to, if the father had died intestate; towards raising which portion, the devisees and legatees shall contribute proportionably out of the parts devised and bequeathed to them by the same will and testament.

SECT. IV. NO person under the age of eighteen years shall be capable of disposing of his chattels by will.

SECT. V. NO nuncupative will, shall be established unless it be made in the time of the last sickness of the deceased, at his habitation, or where he hath resided for ten days next preceding, except where the deceased is taken sick from home and dies before he returns to such habitation; nor where the value exceeds ten pounds, unless it be proved by two witnesses that the testator called on some person present to take notice or bear testimony that such is his will, or words of the like import.

SECT. VI. AFTER six months have elapsed from the time of speaking the pretended testamentary words, no testimony shall be received to prove a nuncupative will, unless the testimony, or the substance thereof, shall have been committed to writing within six days after making the will.

SECT. VII. NO will in writing or any devise therein of chattels, shall be revoked by a subsequent will, codicil, or declaration, unless the same be in writing.

SECT. VIII. ANY soldier in actual military service, or any mariner or seaman being at sea, may dispose of his chattels as he might heretofore have done.

SECT. IX. IF any person shall subscribe his name as a witness to a will wherein any bequest is given to him, if the will may be not otherwise proved, the bequest shall be void, and such witness shall be allowed and compellable to appear and give testimony on the residue of the will, in like manner as if no such bequest had been made. But if such witness would be entitled to any share of the testator's estate in case the will were not established, so much of his said shares shall be saved to him as shall not exceed the value of the legacy bequeathed him.

SECT. X. THE several County, City, or Corporation Courts, shall have power to hear and determine all causes, matters, suits, and controversies, testamentary, arising within their respective jurisdictions, and to examine and take the proof of wills, and grant certificates thereof according to the methods and rules following, that is to say: If any testator shall have a mansion house or known place of residence, his will shall be proved in the Court of the County, City, or Corporation wherein such mansion-house or place of residence is: If he hath no such place of residence, and lands be devised in the will, it shall be proved in the Court of the County, City, or Corporation wherein the lands lie, or in one of them where there shall be lands in several Counties: And if he hath no such known place of residence, and there be no lands devised, then the will may be proved either in the Court of the County, City, or Corporation where the testator shall die, or that wherein his estate, or the greater part thereof, shall be, or such will may in any case be proved in the General Court.

SECT. XI. WHEN any will shall be exhibited to be proved, the Court having jurisdiction as aforesaid, may proceed immediately to receive the proof thereof, and grant a certificate of such probat: If however, any person interested, shall within seven years afterwards appear, and by his bill in chancery contest the validity of the will, an issue shall be made up, whether the writing produced

duced be the will of the testator or not, which shall be tried by a Jury, whose verdict shall be final between the parties; saving to the Court a power of granting a new trial for good cause, as in other trials; but no such party appearing within that time, the probat shall be forever binding.

SECT. XII. IN all such trials by Jury, the certificate of the oath of the witnesses, at the time of the first probat, shall be admitted as evidence, to have such weight as the Jury shall think it deserves.

SECT. XIII. NO nuncupative will shall be proved within fourteen days after the death of the testator, nor until his widow (if any) and next of kin have been summoned to contest the same if they please.

SECT. XIV. IF the General Court, or any County, City, or Corporation Court, having jurisdiction as aforesaid, shall be informed that any person hath the will of a testator in his custody, such Court may summon such person, and by a proper process compel him to produce the same.

SECT. XV. IF the Executors named in any will shall all refuse the executorship, or being required to give security, as herein after-mentioned, shall refuse, or fail to give the same, which shall amount to a refusal, of the executorship, in either case, the Court having jurisdiction as aforesaid, may receive the proof of the will, and grant a certificate for obtaining letters of administration with the same annexed, to the person to whom administration would have been granted if there had been no will of the deceased.

SECT. XVI. BEFORE granting a certificate of the probat of any will, the executor or administrator with the will annexed, as the case shall be, shall in open Court take the following oath, to wit: "You shall swear that this writing contains the true last will of the within named _____, as far as you know or believe; and that you will well and truly perform the same, by paying first his debts, and then the legacies contained in the said will, as far as his goods, chattels, and credits will extend and the law charge you; and that you will make a true and perfect inventory of all the said goods, chattels, and credits, as also a just account when thereto required." And shall also give bond in such penalty as will be equal to the full value of the estate at the least, and with such security as shall be approved of by the Court, with the following condition, to wit: "The condition of this obligation is, that if the said _____, executor of the last will and testament (or administrator with the will annexed, of all the goods, chattels, and credits) of _____, deceased, do make a true and perfect inventory of all and singular the goods, chattels, and credits of the said deceased, which have or shall come to the hands, possession, or knowledge of _____, the said _____, or into the hands or possession of any other person or persons for _____, and the same so made, do exhibit into the _____ Court _____, at such time as _____ shall be thereto required by the said Court; and the same goods, chattels, and credits, do well and truly administer according to law; and make a just and true account of _____ actings and doings therein, when thereunto required by the said Court; and further, do well and truly pay and deliver all the legacies contained and specified in the said will, as far as the said goods, chattels, and credits will extend, according to the value thereof, and as the law shall charge _____; then this obligation to be void, or else to remain in full force."

SECT. XVII. WHICH bond shall be payable to the Judges or Justices sitting in Court, and their successors, and shall not become void upon the first recovery, but may be put in suit and prosecuted from time to time, by, and at the costs of any party injured, by a breach thereof, until the whole penalty be recovered thereupon.

SECT. XVIII. BUT where any testator shall leave visible estate, more than sufficient to pay all his debts, and by will shall direct that his executors shall not be obliged to give security, in that case no security shall be required, unless the Court shall see cause from their own knowledge, or the suggestions of creditors or legatees to suspect the executors of fraud, or that the testator's personal estate will not be sufficient to discharge all his debts, and shall require security, when the same shall be given, before a certificate shall be granted, notwithstanding any directions to the contrary in the testator's will.

SECT. XIX. THE power of executors over their testator's estates before probat of the will, is not hereby restrained, but shall continue as heretofore.

SECT. XX. DURING any contest about a will, or in the absence of executors, or whenever the Court, from any other cause, shall judge it convenient, they may appoint any person or persons to collect and preserve the estate of any decedent, until a probat of his will, or administration of his estate, be granted, taking bond and security for collecting the estate, making an inventory thereof, and safe keeping and delivering up the same, when required, to the executors or administrators.

SECT. XXI. WHEN any widow shall not be satisfied with the provision made for her by the will of her husband, she may within one year from the time of his death, before the General Court, or Court having jurisdiction of the probat of his will as aforesaid, or by deed, executed in the presence of two or more credible witnesses, declare that she will not take, or accept the provision made for her by such will, or any part thereof, and renounce all benefit which she might claim by the same will, and thereupon such widow shall be entitled to one-third part of the slaves whereof her husband died possessed, which she shall hold during her life, and at her death they and their increase shall go to such person or persons to whom they would have passed and gone if such declaration had not been made; and she shall moreover be entitled to such share of his other personal estate as if he had died intestate, to hold to her as her absolute property; but every widow, not making

a declaration within the time aforesaid, shall have no more of her husband's slaves and personal estate, than is given her by his will.

SECT. XXII. AND that if any widow possessed of a slave or slaves as of the dower of her husband, shall remove, or voluntarily permit to be removed out of this Commonwealth, such slave or slaves, or any of their increase, without the consent of him or her in reversion, such widow shall forfeit all and every such slave or slaves, and all other the dower which she holds of the endowment of her husband's estate, unto the person or person that shall have the reversion thereof; any law, custom, or usage to the contrary, notwithstanding.

SECT. XXIII. AND if any widow possessed as aforesaid, shall be married to a husband who shall remove, or voluntarily permit to be removed out of this Commonwealth, any such slave or slaves, or any of their increase, without the consent of him or her in reversion, in such case it shall be lawful for him or her in reversion to enter into, possess, and enjoy all the estate which such husband holdeth in right of his wife's dower for and during the life of the said husband.

SECT. XXIV. ALL original wills shall be recorded, and shall also remain in the Clerk's office of the Court wherein they are respectively proved, except during such time as they may be in any superior Court, having been removed thither for inspection by certiorari, or otherwise, after which they shall be returned to the said office.

SECT. XXIV. WHEN any person shall die intestate as to his goods and chattels or any part thereof, after funeral, debts, and just expences paid, if there be no child, one moiety, or if there a child or children, one-third of the surplus shall go to the wife, but she shall have no more than the use for her life of such slaves as shall be in her share, and the residue of the surplus, and after the wife's death, the slaves in her share, or if there be no wife, then the whole of such surplus shall be distributed in the same proportions, and to the same persons, as lands are directed to descend in, and by an Act of General Assembly, intituled "An Act directing the course of descents." Nothing in this Act contained, shall be understood so as to compel the husband to make distribution of the personal estate of his wife dying intestate. Where any children of the intestate, or their issue, shall have received from the intestate, in his life-time, any personal estate by way of advancement, and shall choose to come into the distribution with the other persons entitled, such advancement shall be brought into hotchpot with the distributable surplus.

SECT. XXVI. THE General Court, and the several Courts, respectively, shall have the like jurisdiction to hear and determine the right of administration of the estates of persons dying intestate, as is herein before mentioned, as to the proof of wills, in respect to the intestate's place of residence; or death, or where the estate shall lie, and shall grant certificates for obtaining such administration to the representatives who apply for the same, preferring first the husband or wife, and then such others as are next entitled to distribution, or one or more of them, as the Court shall judge will best manage and improve the estate.

SECT. XXVII. IF no such person applies for administration within thirty days from the death of an intestate, the Court may grant administration to any creditor or creditors who apply for the same, or to any other person the Court shall in their discretion think fit: But if any will shall afterwards be produced, and proved by executors, or the wife or other distributee, who shall not have before refused, shall apply for the administration, the same shall be granted, in like manner as if the former had not been obtained.

SECT. XXVIII. BEFORE granting a certificate for the administration of any estate, the person or persons to whom the same is granted, shall in open Court take the following oath, to wit: "You shall swear that ——— deceased, died without any will, as far as you know or believe; and that you will well and truly administer all and singular the goods, chattels, and credits of the said deceased, and pay his debts as far as his goods, chattels, and credits will extend, and the law require you; and that you will make a true and perfect inventory of all the said goods, chattels, and credits, as also a just account when thereunto required. So help you God."

SECT. XXIX. AND shall also give bond, in a penalty at least equal to the value of the estate, and with such security as shall be approved by the Court, with the following condition, to wit: "The condition of this obligation is, that if the said ———, administrator of the goods, chattels, and credits of ———, deceased, do make a true and perfect inventory of all and singular the goods, chattels, and credits of the said deceased, which have or shall come to the hands, possession, or knowledge of ——— the said ———, or in the hands or possession of any other person or persons, for ———; and the same so made do exhibit into the ——— Court, ———, when he shall be thereto required by the said Court; and such goods, chattels, and credits, do well and truly administer according to law; and further, do make a just and true account of his dealings and doings therein, when thereto required by the said Court: And all the rest of the said goods, chattels, and credits, which shall be found remaining upon the account of the said administrator, the same being first examined and allowed by the Justices of the said Court for the time being, shall deliver and pay unto such persons respectively as are entitled to the same by law; and if it shall hereafter appear that any last will and testament was made by the deceased, and the same be proved in Court, and the executor obtain a certificate of the probat thereof, and the said ——— do in such case, being required, render and deliver up his letters of administration, then this obligation to be void, else to remain in full force;" which bond shall be payable to the sitting Justices and their successors, and may be put in suit and prosecuted in like manner, as is before directed in the case of bonds to be given by executors or administrators, with the will annexed.

SECT. XXX. BUT no security for any executor or administrator shall be chargeable beyond the assets of the testator or intestate, by reason of any omission or mistake, in pleading or false pleading of such executors or administrators.

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SECT. XXXI. IF any Court shall grant a certificate for obtaining administration of the estate of any person deceased without taking good security for the same, as aforesaid, to be judged of according to the apparent circumstances of the security when taken, and not from subsequent accidents or discoveries thereof, the Justices of such Court then sitting shall be answerable to the person or persons injured, for all loss or damage occasioned by the not requiring any, or by the taking insufficient security, recoverable with costs, by action on the case, in any Court of Record.

SECT. XXXII. WHEN securities for executors or administrators conceive themselves in danger of suffering thereby, and petition the Court for relief, the Court shall summon the executor or administrator, and make such order or decree thereupon, to relieve and secure the petitioners, by counter security, or otherwise, as to them shall seem just and equitable.

SECT. XXXIII. ALL certificates of probat or of administration, attested by the Clerk, shall enable the executor or administrator to act, and may be produced or given in evidence in any Court within this Commonwealth, and be as effectual as any probat or letters of administration made out in due form; nevertheless the Clerks of the Courts shall, when required by an executor or administrator, make out such probat or letters, in due form, in the name of the first Justice of the Court, which probat or letters shall be signed by such Justice, and sealed with the County, City, or Corporation seal, if the will be proved in a County, City, or Corporation Court, or with the seal of the Commonwealth, if proved in the General Court.

SECT. XXXIV. THE Clerk of every County, City, or Corporation Court, shall half yearly, in the months of April and October, return to the Clerk of the General Court, a list of all certificates granted in his Court for probats and administrations, within the preceding half year, in this form [date of certificate] [name of testator or intestate] [names of securities] [penalty of bond] which lists, together with such certificates as are granted in the General Court, shall be entered by the Clerk of the General Court, alphabetically, in books for that purpose.

SECT. XXXV. EVERY Court granting a certificate for a probat or administration, shall nominate three or more appraisers in every County, City, or Corporation, where any of the personal estate of the decedent shall be, who being sworn before a Justice of the Peace, for that purpose, shall truly and justly, to the best of their judgment, view and appraise all the personal estate, to them produced; and shall return such appraisement under their hands to the Court ordering the same; which appraisement, if signed by the executor or administrator, may be considered as an inventory of such part of the estate as had theretofore come to his hands.

SECT. XXXVI. INVENTORIES and appraisements may be given in evidence in any suit, by or against the executor or administrator, but shall not be conclusive for or against him if other testimony be given that the estate was really worth, or was, *bona fide*, sold for more or less than the appraisement.

SECT. XXXVII. EACH appraiser shall be entitled to thirty pounds of tobacco, per day, for his attendance, to be paid by the executor or administrator, and charged to the estate.

SECT. XXXVIII. EXECUTORS and administrators, whether it be necessary for payment of debts, or not, shall as soon as convenient, after they are qualified, sell at public sale, all such goods of their testator, or intestate, specific legacies excepted, as are liable to perish, be consumed, or rendered worse by keeping, giving such credit as they shall judge best, and the circumstances of the estate will admit of, taking bond and good security of the purchasers, and shall account for such goods according to the sales. If more be sold than will pay the debts and expenses, the executor or administrator may assign the bonds for the surplus, to those entitled to the estate, and be discharged as to so much.

SECT. XXXIX. IF such perishing goods be not sufficient for paying the debts and expenses, the executor or administrator shall proceed in the next place to sell the other personal estate; disposing of the slaves last, until the debts and expenses be all paid, having regard to the privilege of specific legacies.

SECT. XL. NEVERTHELESS, if the testator direct his estate not to be appraised, it shall be sufficient to return an inventory thereof only; and if he direct his estate not to be sold, the same shall be preserved in specie, unless a sale be necessary for the payment of debts.

SECT. XLI. THE dead victuals and liquors, which at the death of any testator or intestate shall have been laid in for consumption in his family, shall not be sold by the executor or administrator, but shall remain for the use of such family without account thereof to be made: If, however, before its final consumption, any child shall leave the family, such child shall have a right to carry with him an equal share of what shall then be on hand. Any live stock which may be necessary for the food of the family, may also be killed for that use, at any time before the sale, division, or distribution of the estate.

SECT. XLII. THE sale and conveyance of lands devised to be sold, shall be made by the executors, or such of them as shall undertake the execution of the will, if no other person be there: by appointed for that purpose; or if the person so appointed shall refuse to perform the trust, or die before he shall have completed it.

SECT. XLIII. IF any person shall die after the first day of March, the servants and slaves of which he was possessed; whether held for life or for other interest, and which were employed in making a crop, shall be continued on the plantations in the occupation of the decedent, until the last day of December following, and then delivered to those who shall have a right to demand the same; and their crops shall be assets in the hands of the executors and administrators, subject to
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debts, legacies, and distribution; the levies and taxes, their tools, the expence of feeding them and their families to that time, and delivering them well clothed, being first deducted. And if such servants or slaves be held by the testator or intestate for his life only, in that case the executor or administrator shall be obliged to deliver to those who are entitled in remainder or reversion, three barrels of Indian corn for every such servant or slave, old and young, to be allowed in their accounts of administration.

SECT. XLIV. IF a testator or intestate shall die after the first day of March, all the emblements of his lands, which shall be severed before the said thirty-first day of December following, shall, in like manner be affets in the hands of the executor or administrator; but all such emblements growing on the lands on that day, or at the time of the death of the testator or intestate, if that event happen after the thirty-first day of December, and before the first day of March, shall pass with the land to the heir, devisee, reversioner, or remainder man.

SECT. XLV. IF there be tenant for life of lands or slaves let or hired to another, at the death of such tenant for life, if that event happen after the first day of March, the lessee, or person hiring, shall hold the lands and slaves until the last day of December following, paying rent or hire to that time, and in the case of slaves, delivering them well clothed.

SECT. XLVI. THE rent of land or hire of slaves shall be apportioned between the executor or administrator of him who having a freehold, or other uncertain estate in the land, and the use for life, or for other uncertain term in the slaves, shall die before the rent or hire become due, and him who shall succeed to the land and slaves, as heir, devisee, or person in reversion or remainder, unless in the case of a devisee, the contrary be directed by the testator.

SECT. LXVII. THE appointment of a debtor executor shall in no case be deemed an extinguishment of the debt, unless it be so directed in the will.

SECT. XLVIII. NO distribution shall be made of an intestate's estate until nine months after his death, nor shall an administrator be compelled to make distribution at any time, until bond and security be given by the person entitled to distribution, to refund due proportions of any debts or demands, which may afterwards appear against the intestate, and the costs attending the recovery of such debts.

SECT. LXIX. EXECUTORS and administrators shall be allowed in their accounts all reasonable charges and disbursements which they shall lay out and expend in the funeral of the deceased, and other their administration; and in extraordinary cases, may be allowed such recompence for their personal trouble, as the Court on passing their accounts shall judge reasonable.

SECT. L. THE executors or administrators of a guardian of a committee, or of any other person, who shall have been chargeable with, or accountable for the estate of a ward, an idiot, or a lunatic, or the estate of a dead person, committed to their testator or intestate by a Court of Record, shall pay so much as shall be due from their testator or intestate, to the ward, idiot, or lunatic, or to the legatees or persons entitled to distribution, before any proper debt of their testator or intestate.

SECT. LI. WHERE any persons shall die seized of lands held for life of another, such person may, by his or her last will and testament, in writing, made and proved as is herein before directed, for the devise of lands, devise all his interest in such lands, which shall, if necessary, be affets in the hands of such devisee. And if no such devise be made, such lands for the residue of the term, shall be affets in the hands of the heir, if it shall come to him by reason of a special occupancy, in the same manner as lands descending in fee simple; and if there shall be no special occupant, it shall go to the executors or administrators of the person so dying seized, and be affets in their hands, subject to debts, legacies, and distribution.

SECT. LII. EXECUTORS or administrators may sue or be sued upon all judgments, bonds, or other specialties, bills, notes, or other writings of their testators or intestates, whether the executors or administrators be, or be not named in such instruments, and also upon all their personal contracts.

SECT. LIII. ACTIONS of trespass may be maintained by or against executors or administrators, for any goods taken and carried away in the life-time of the testator or intestate; and the damages recovered shall be in the one case for the benefit of the estate, and in the other out of the affets.

SECT. LIV. EXECUTORS of executors shall do and perform all things in the execution of the will of the first testator, which shall remain undone at the death of the first executor; and shall and may sue or be sued in all things respecting the estate, in the same manner as such first executor could or might have sued or been sued.

SECT. LV. IF all the executors named in any last will, shall refuse to undertake the executorship, or being required to give security, shall refuse to give, or be unable to procure the same, and no person will apply for administration with the will annexed: Or if no person will apply for administration of the goods and chattels of any intestate, it shall be lawful for the General Court, or other Court having jurisdiction of such probat or administration as herein before mentioned, after the expiration of three months from the death of the testator or intestate, to order the Sheriff of the County, City, or Corporation, to take the estate into his possession, and make sale of so much thereof by public auction, as the payment of debts shall make necessary, or as shall be perishable, or be directed by will to be sold: And all sales and conveyances, *bona fide* made by the Sheriff or his deputies, in consequence of such order, shall be as effectual to the purchasers, as if they had been made by the testator or intestate in his life-time. The estate shall be sold upon such credit, as the Court shall direct, and upon public notice previously given, the purchasers giving bond and

and good security for payment according to the limited time of credit. The Sheriff may sue, if necessary, for the recovery of debts, or of goods and chattels, and shall make a true and perfect inventory of the whole estate, and an account of sales, and shall return the same, together with the bonds, to the Court by whom he was ordered to sell, without delay, who shall first direct the payment of such debts as shall be proved before them, and proportion the assets amongst the creditors, without regard to the dignity of debts, where there shall not be sufficient to pay the whole; and then order the surplus, if any, to the legatees or next of kin to the decedent, according to the directions of the will, or of this Act. Whereupon the Sheriff, or deputy, shall assign the bonds, and deliver the estate remaining unsold, to the creditors, or others, according to such order, retaining nevertheless his commissions, which shall be the same upon the estate by him sold, as is allowed for goods taken in execution; and where the whole estate is not sold, he shall moreover be allowed his reasonable expences and disbursements in the care of the part unsold.

SECT. LVI. ALL sales and conveyances of lands heretofore *bona fide* made by a Sheriff, under an order of Court, where the lands had been devised to be sold, and the executor had refused to act, are hereby confirmed and made effectual against all persons claiming under the testator.

SECT. LVII. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty seven.

C H A P. ~~XXX~~ 62

An ACT for regulating CONVEYANCES.

SECTION I. **B**E it enacted by the General Assembly, That no estate of inheritance, or freehold, or for a term of more than five years, in lands or tenements, shall be conveyed from one to another unless the conveyance be declared by writing, sealed and delivered; nor shall such conveyance be good against a purchaser, for valuable consideration, not having notice thereof, or any creditor, unless the same writing be acknowledged by the party or parties who shall have sealed and delivered it, or be proved by three witnesses to be his, her, or their act, before the General Court, or before the Court of that County, City, or Corporation, in which the land conveyed, or some part thereof, lieth, or in the manner herein after directed, within eight months after the time of sealing and delivering, and be lodged with the Clerk of such Court, to be there recorded. / No covenant or agreement made in consideration of marriage shall be good against a purchaser, for valuable consideration, not having notice thereof, or any creditor, unless the same covenant or agreement be acknowledged by the party bound thereby, or be proved by three witnesses to be his, her, or their act; if land be charged before the General Court, or the Court of that County in which the land or part thereof lieth, or if personal estate only be settled, or covenanted, or agreed to be paid or settled, before the Court of that County in which such party shall dwell, or in the manner herein after directed, within eight months after the covenant or agreement made, and be lodged with the Clerk of such Court, to be there recorded. If the party who shall sign and seal any such writing reside not in Virginia, the acknowledgment by such party, or the proof by the number of witnesses requisite, of the sealing and delivering of the writing, before any Court of Law, or the Mayor, or other Chief Magistrate of any City, Town, or Corporation of the County in which the party shall dwell, certified by such Court, or Mayor, or Chief Magistrate, in the manner such acts are usually authenticated by them, and offered to the proper Court to be recorded, within eighteen months after the sealing and delivering, shall be as effectual as if it had been in the last mentioned Court. When husband and wife shall have sealed and delivered a writing, purporting to be a conveyance of any estate or interest, if she appear in Court, and being examined privily, and apart from her husband, by one of the Judges thereof, shall declare to him that she did freely and willingly seal and deliver the said writing, to be then shewn and explained to her, and wishes not to retract it, and shall, before the said Court, acknowledge the said writing, again shewn to her, to be her act, or if before two Justices of the Peace of that County in which she dwelleth, if her dwelling be in the United States of America, who may be empowered by commission to be issued by the Clerk of the Court wherein the writing ought to be recorded, to examine her privily, and take her acknowledgment, the wife being examined privily and apart from her husband, by those Commissioners, shall declare that she willingly signed and sealed the said writing, to be then shewn and explained to her, by them, and consenteth that it may be recorded; and the said Commissioners shall return with the commission, and thereunto annexed, a certificate, under their hands and seals, of such privy examination by them, and of such declaration made, and consent yielded by her, in either case the said writing acknowledged also by the husband, or proved by witnesses to be his act, and recorded, together with such her privy examination and acknowledgment before the Court, or together with such commission and certificate, shall not only be sufficient to convey or release any right of dower thereby intended to be conveyed or released, but be as effectual for every other purpose as if she were an unmarried woman. If the dwelling of the wife be not in the United States of America, the commission to examine her privily and take her acknowledgment, shall be directed to any two Judges or Justices of any Court of Law, or to the Mayor, or other Chief Magistrate of any City, Town, or Corporation of the County in which the wife shall dwell, and may be executed by them in the same manner as a commission directed to two Justices in the United States of America; and the certificate of the Judges or Justices of such Court, or the certificate of such Mayor or Chief Magistrate, authenticated in the form, and with the solemnity

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by them used in other acts, shall be as effectual as the like certificate of the Justices in the United States of America. The Clerk of every Court shall record all writings acknowledged, or proved before such Court, or certified to have been acknowledged or proved, in manner before prescribed, together with the commissions for privily examining and taking the acknowledgments of married women, and all endorsements on such writings, and plots, schedules, and other papers thereto annexed, by entering them, word for word, in well bound books, to be carefully preserved, and afterwards re-deliver them to the parties entitled to them; and shall moreover make a docket of all such writings, containing the dates thereof, and of the acknowledgments and probats, the names, sur-names, and additions of the parties thereto, in alphabetical order, and the quantities and situations of land, numbers and names of slaves; and descriptions of personal estate conveyed thereby; and the Clerk of every County Court shall transmit such docket made by him to the Clerk of the General Court, in every April and October term, to be recorded by him. Every estate in lands or slaves, which on the seventh day of October, in the year of our Lord one thousand seven hundred and seventy-six, was an estate in fee tail, shall be deemed from that time to have been, and from thence forward to continue, an estate in fee simple; and every estate in lands, which since hath been limited, or hereafter shall be limited, so that as the law aforesaid was, such estate would have been an estate tail, shall also be deemed to have been and to continue an estate in fee simple. And all estates, which before the said seventh day of October, one thousand seven hundred and seventy-six, by the law, if it remained unaltered, would have been estates in fee tail, and which now, by virtue of this Act, are and will be estates in fee simple, shall from that time and henceforth be discharged of the conditions annexed thereto by the common law, restraining alienations before the donee shall have issues, so that the donees or persons in whom the conditional fees vested; or shall vest, had, and shall have, the same power over the same estates as if they were pure and absolute fees. Every estate in lands which shall hereafter be granted, conveyed or devised to one, although other words heretofore necessary to transfer an estate of inheritance be not added, shall be deemed a fee simple, if a less estate be not limited by express words, or do not appear to have been granted, conveyed or devised, by construction or operation of law. Where an estate hath been or shall be by any conveyance limited in remainder to the son or daughter, or to the use of the son or daughter of any person, to be begotten, such son or daughter, born after the decease of his or her father, shall take the estate in the same manner as if he or she had been born in the life time of the father, although no estate shall have been conveyed to support the contingent remainder after his death. By deed of bargain and sale, or by deeds of lease and release, or by covenant, to stand seized to use, or deed operating by way of covenant, to stand seized to use, the possession of the bargainer, releaser, or covenantor, shall be deemed heretofore to have been, and hereafter to be transferred, to the bargainee, releasee, or person entitled to the use, for the estate or interest which such person hath or shall have in the use, as perfectly as if such bargainee, releasee, or person entitled to the use, had been enfeoffed with livery of seisin of the land intended to be conveyed by such deed or covenant. Estates of every kind, holden or possessed in trust, shall be subject to like debts and charges of the persons to whose use or for whose benefit they were, or shall be respectively holden or possessed, as they would have been subject to if those persons had owned the like interest in the things holden or possessed, as they own or shall own in the uses or trusts thereof. Where any person to whose use, or in trust for whose benefit, another is or shall be seized of lands, tenements, or hereditaments, hath or shall have such inheritance in the use or trust as that if it had been a legal right, the husband or wife of such person would thereof have been entitled to curtesy or dower, such husband or wife shall have and hold, and may by the remedy proper in similar cases, recover curtesy or dower of such lands, tenements, or hereditaments. Grants of rents, or of reversions, or remainders, shall be good and effectual without attornments of the tenants, but no tenant who, before notice of the grant, shall have paid the rent to the grantor, shall suffer any damage thereby. The attornment of a tenant to any stranger, shall be void, unless it be with consent of the land-lord of such tenant, or pursuant to, or in consequence of the judgment of a Court of Law, or the order or decree of a Court of Equity.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXIII.

An ACT Concerning ESCHEATORS.

SECTION I. **B**E it enacted by the General Assembly, That there shall be one Escheator commissioned in every County, by the Governor, on recommendation from the Court of the same County, who shall execute his office in proper person, and not by deputy, and shall, before the Court of the County, be bound in the penalty of one thousand pounds, with security, to be approved by the same Court, duly to perform the duties of the said office.

SECT. II. **T**HE said Escheator shall sit in convenient and open places, and shall take his inquests of fit persons, who shall be returned and empannelled by the Sheriff of the County, and shall suffer every person to give evidence openly in their presence, to such inquests; and the said inquisition so taken, shall be, by indentures to be made between the said Escheator and them of the

the inquest, whereof the counter-part, sealed by the Escheator, shall remain in the possession of the first person that shall be sworn in the said Jury, and by him shall be returned to the Court of the same County, there to be recorded; and the other part, sealed by the Jurors, shall by the Escheator, be sent into the General Court, within one month after the inquest taken. And if it be found for the Commonwealth, and there shall be any man that will make claim to the Lands, he shall be heard without delay, on a traverse to the office, montrans de droit, or petition of right; and the said lands or tenements shall be committed to him, if he shew good evidence of his right and title to hold, until the right shall be found and discussed for the Commonwealth, or for the party finding sufficient surety to prosecute his suit with effect, and to render and pay to the Commonwealth the yearly value of the lands, if the right be discussed for the Commonwealth.

SECT. III. NO lands nor tenements, seized into the hands of this Commonwealth upon such inquest taken before Escheators, shall be in any wise granted, nor to farm let, to any, if it be not to him or them which claim, as is aforesaid, till the same inquests and verdicts be fully returned into the General Court, nor within six months after the same return, but shall entirely and continually remain in the hands of the Escheators, who shall answer to the Commonwealth the issues and profits yearly coming of the said lands and tenements, without doing waste or destruction.

SECT. IV. IF no person within the six months before mentioned make claim to the lands or tenements so seized, or claim being so made, if it be found and discussed for the Commonwealth, the Clerk of the General Court shall, within one month thereafter, certify to the Escheator of the County wherein the lands lie, that no claim hath been made, or that being made, it hath been discussed for the Commonwealth, which Escheator shall thereupon proceed to make sale of the lands, for the benefit of the Commonwealth, to him who will give the most, after one month's public notice of the time and place of doing the same, and shall certify the purchaser and price to the Register of the Land-Office, who, on receiving a certificate that such price hath been paid into the Treasury, shall have a grant executed to the purchaser, in such manner as by law directed in the case of unappropriated lands.

SECT. V. WHERE any person holds lands or tenements for term of years, or hath any rent, common, office, fee, or other profit appender of any estate of freehold, or for years or otherwise, out of such land or tenements, which shall not be found in such office or inquisition, such person shall hold and enjoy his lease, interest, rent, common, office, fee, and profit appender, in manner as if no such office or inquisition had been found, or as if such lease, interest, rent, common, office, or profit appender had been found in such inquisition. Also, if one person or more be found heir by office or inquisition in one County, and another person be found heir to the same person in another County, or if any person be untruly found lunatic, idiot, or dead, or where it shall be untruly found that any person attainted of treason or felony, is seized of any lands, tenements, or hereditaments, at the time of such treason or felony committed, or at any time after, whereunto any other person hath any just title or interest of any estate of freehold, the person grieved by such office or inquisition may have his traverse or montrans de droit to the same, without being driven to any petition of right, and proceed to trial therein, and have like remedy and restitution upon his title found or judged for him therein, as in other cases of traverse upon untrue inquisition found.

SECT. VI. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXIV.

An ACT to prevent FRAUDS and PERJURIES.

SECTION I. **B**E it enacted by the General Assembly, That no action shall be brought whereby to charge any executor or administrator upon any special promise to answer any debt or damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default, or miscarriage of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract for the sale of lands, tenements, or hereditaments, or the making any lease thereof for a longer term than one year, or upon any agreement which is not to be performed within the space of one year from the making thereof, unless the promise or agreement upon which such action shall be brought, or some memorandum or note thereof shall be in writing, and signed by the party to be charged therewith, or some other person by him thereunto lawfully authorized.

SECT. II. EVERY gift, grant, or conveyance of lands, tenements, hereditaments, goods or chattels, or of any rent, common, or profit out of the same, by writting or otherwise, and every bond, suit, judgment or execution, had or made, and contrived of malice, fraud, covin, collusion, or guile, to the intent or purpose to delay, hinder, or defraud creditors of their just and lawful actions, suits, debts, accounts, damages, penalties, or forfeitures, or to defraud or deceive those who shall purchase the same lands, tenements, or hereditaments, or any rent, profit, or commodity out of them, shall be from henceforth deemed and taken (only as against the person or persons, his, her, or their heirs, successors, executors, administrators or assigns, and every of them, whose debts, suits, demands, estates interests, by such guileful and covinous devices and practices, as is aforesaid, shall or might be in any wise disturbed, hindered, delayed or defrauded)

to be clearly and utterly void, any pretence, colour, feigned consideration, expressing of use, or any other matter or thing, to the contrary notwithstanding. And moreover, if a conveyance be of goods and chattels, and be not on consideration deemed valuable in law, it shall be taken to be fraudulent within this Act, unless the same be by will duly proved and recorded, or by deed in writing acknowledged or proved, if the same deed include lands also, in such manner as conveyances of land are by law directed to be acknowledged or proved; or if it be of goods and chattels only, then acknowledged or proved by two witnesses in the General Court, or Court of the County wherein one of the parties live, within eight months after the execution thereof, or unless possession shall really and *bona fide* remain with the donee. And in like manner where any loan of goods and chattels shall be pretended to have been made to any person with whom, or those claiming under him, possession shall have remained by the space of five years without demand made, and pursued by due process at law on the part of the pretended lender, or where any reservation or limitation shall be pretended to have been made of a use or property, by way of condition, reversion, remainder, or otherwise, in goods and chattels, the possession whereof shall have remained in another as aforesaid, the same shall be taken as to the creditors and purchasers of the persons aforesaid, so remaining in possession, to be fraudulent within this Act, and that the absolute property is with the possession, unless such loan, reservation, or limitation of use or property, were declared by will or by deed, in writing proved, and recorded as aforesaid.

SECT. III. THIS Act shall not extend to any estate or interest in any lands, goods or chattels, or any rents, common, or profit out of the same, which shall be upon good consideration, and *bona fide*, lawfully conveyed or assured to any person or persons, bodies politic or corporate.

SECT. IV. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXV.

An ACT concerning the DOWER and JOINTURES of WIDOWS.

SECTION I. **B**E it enacted by the General Assembly, That a widow after the death of her husband shall tarry in the mansion house of her husband and the plantation thereto belonging, rent free, until her dower shall be assigned her. And if she be thereof in the mean time deforced, she shall have a vicontiel writ, in the nature of a writ, de quarentina habenda, directed to the Sheriff, whereupon such proceedings and speed shall be used as hath or might have been used on the said writ of quarentine.

SECT. II. WHOSOEVER shall deforce widows of their dowers of the lands whereof their husbands died seized, or of such mansion house or plantation, if the same widows shall after recover by plea, they that be convicted of such wrongful deforcement, shall yield damages to the same widows, that is to say, the value of the whole dower to them belonging, from the time of the death of their husbands unto the day that the said widows by judgment have recovered seizin of their dower. In a writ of dower called *unde nihil habet*, the writ shall not abate by the exception of the tenant, because the demandant hath received her dower of another man before her writ purchased, unless he can shew that the dower so received was in satisfaction of her right of dower in the lands whereof she demands dower.

SECT. III. IN case where the husband being impleaded for land by default, the woman after his death demanding her dower, shall be heard, and if it be alledged against her, that her husband lost the land whereof the dower is demanded by judgment, whereby she ought not to have dower, and then it be enquired by what judgment, and it be found that it was by default, whereupon the tenant must answer, then it behoveth the tenant to answer further, and to shew that he had right and hath in the aforesaid land, according to the form of the writ that the tenant before purchased against the husband. And if he can shew that the husband of such wife had no right in the lands, nor any other but he that holdeth them, the tenant shall go quit, and the wife shall recover nothing of her dower, which thing if he cannot shew, the wife shall recover her dower.

SECT. IV. AND where sometime it chanceth that a woman not having a right to demand dower, the heir being within age doth purchase a writ of dower against a guardian, and the guardian endoweth the woman by favour, or maketh default, or by collusion defendeth the plea so faintly, whereby the woman is awarded her dower in prejudice of the heir, it is provided, that the heir when he cometh to full age, shall have an action to demand the seizin of his ancestor against such a woman, like as he should have against any other deforcer. Yet so that the woman shall have her exception saved against the demandant, to shew that she had right to her dower, which if she can shew, she shall go quit, and retain her dower, and if not, the heir shall recover his demand. In like manner the woman shall be aided, if the heir or any other do implead her for her dower, if she lose her dower by default, in which case the default shall not be so prejudicial to her, but that she shall recover her dower if she have right thereto; and she shall have this writ, "Command
" A. that justly, &c. he render to B. who was the wife of F. so much land, with the appurtenances, in C.
" which she claims to be her reasonable dower, or of her reasonable dower, and that the aforesaid A. de-
" forceth her, &c." And to this writ the tenant shall have his exception, to shew that she had no right to be endowed, which if he can verify, he shall go quit, if not, the woman shall recover the land whereof she was endowed before. Also, widows may bequeath the crop of their ground, as well of their dowers as of other their lands and tenements.

SECT.

SECT. V. BUT if a wife willingly leave her husband, and go away and continue with her adulterer, she shall be barred forever of action to demand her dower, that she ought to have of her husband's lands, if she be convicted thereupon, except that her husband willingly, and without coercion, reconcile her, and suffer her to dwell with him, in which case she shall be restored to her action.

SECT. VI. ALSO, if any estate be conveyed by deed or will, either expressly or by avowment, for the jointure of the wife, in lieu of her dower, to take effect in her own possession, immediately on the death of her husband, and to continue during her life at the least, determinable by such acts only as would forfeit her dower at the common law, such conveyance shall bar her dower of the residue of the lands, tenements, or hereditaments, which at any time were her said husband's. But if the said conveyance were before the marriage, and during the infancy of the feme, or if it were made after marriage, in either case the widow may at her election waive such jointure, and demand her dower.

SECT. VII. WHEN any conveyance intended to be in lieu of dower shall through any defect fail to be a legal bar thereto, and the widow availing herself of such defect, shall demand her dower, the estate and interest conveyed to such widow, with intention to bar her dower, shall thereupon cease and determine.

SECT. VIII. IF a widow be lawfully expelled, or evicted from her jointure, or any part thereof, without any fraud or covin, by lawful entry or action, she shall be endowed of as much of the residue of her husband's lands, tenements, or hereditaments, whereof she was before dowable, as the same lands, tenements, or hereditaments, so evicted and expelled, shall amount or extend unto.

SECT. IX. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXVI.

An ACT for the preservation of the ESTATES of IDEOTS and LUNATICS.

SECTION I. **B**E it enacted by the General Assembly, That the lands, tenements, and chattels, of ideots and lunatics, shall be safely kept without waste and destruction, and they and their household shall live, and be maintained competently with the profits of the same, and the residue, besides their sustentation, shall be kept for their use, to be delivered unto them when they come to right mind: And if they die in such estate, their lands shall be rendered to the right heirs, and their chattels distributed.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty seven.

C H A P. LXVII.

An ACT providing that wrongful alienations of LANDS shall be void so far as they be wrongful.

SECTION I. **B**E it enacted by the General Assembly, That all alienations and warranties of lands, tenements, and hereditaments, made by any, purporting to pass or assure a greater right or estate than such person may lawfully pass or assure, shall operate as alienations or warranties of so much of the right and estate in such lands, tenements, or hereditaments, as such person might lawfully convey; but shall not pass or bar the residue of the said right or estate purported to be conveyed or assured.

SECT. II. BUT if the deed of the alienor doth mention that he and his heirs be bound to warranty, and if any heritage descend to the demandant of the side of the alienor, then he shall be barred for the value of the heritage that is to him descended. And if in time after any heritage descend to him by the same alienor, then shall the tenant recover against him of the seizin warranted by judicial writ, that shall issue out of the rolls of the Justices, before whom the plea was pleaded, to re-summon his warranty, as before hath been done in cases where the warrantor cometh into the Court, saying, that nothing descended from him by whose deed he is vouched.

SECT. III. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXVIII.

An ACT to prevent the Circulation of private BANK NOTES.

SECTION I. **B**E it enacted by the General Assembly, That it shall not be lawful for any person to offer in payment, a private bank bill or note for money, payable to bearer, and whosoever shall offend herein, shall not only forfeit to the informer ten times the value of the sum mentioned in such bill or note, but may be apprehended by warrant of a Justice, and, upon due proof of the fact made to him, or upon his own acknowledgment thereof, be bound to the good behaviour, or if he afterwards offend in the like manner, it shall be deemed a breach of the condition of the recognizance.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P.

An ACT to prevent LOSSES by Pirates, Enemies, and others, on the High Seas.

SECTION I. **B**E it enacted by the General Assembly, That when any ship or other vessel of this Commonwealth shall have been defended against pirates or enemies, and brought to her port of delivery, and in making such defence any of the officers or seamen shall have been killed or wounded, the Judges of the Admiralty, on the petition of the master or seamen, shall call unto them four or more good and substantial merchants, and by advice with them, shall levy on the respective adventurers and owners of the ship or other vessel and goods, by process out of the said Court, such sums of money as themselves and the said merchants, by plurality of voices, shall judge reasonable, not exceeding two pounds per cent. of the freight, ship or other vessel, and goods, according to the first cost of the goods, and shall distribute the same among the captain, master, officers and seamen of the ship or other vessel, and the widows and children of the slain, proportioning the same according to their best judgment, and having special regard to the said widows and children, and to such as shall have been wounded. And if the commander, master, or other officer, or any seaman or mariner, in any vessel carrying guns and arms, shall not, when attacked by any pirate or enemy, fight, and endeavour to defend themselves and their vessel, or shall utter any words to discourage the other mariners from defending the same, and by reason thereof the said vessel shall fall into the hands of such pirate or enemy, such offender shall forfeit all wages due to him to the owner, and shall suffer imprisonment at the discretion of a Jury, if in their opinion such vessel might have been saved by a defence.

SECT. II. IF any combination shall be set on foot for running away with, or destroying any vessel, or the goods and merchandizes therein laden, the captain, commander, or master, on due proof thereof, shall give a reward of fifty dollars, if the vessel be of one hundred tons or under, and seventy-five dollars if of greater burthen, to such person as shall first make discovery thereof; payment to be made at the port where the wages of the seamen ought next to be paid, and to be reimbursed as in other cases of salvage.

SECT. III. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXX.

An ACT concerning ESTRAYS.

SECTION I. **B**E it enacted by the General Assembly, That it shall be lawful for any person by himself or his agent, to take up any estray on his own land, and having taken it, he, or his agent, shall forthwith give information thereof to some Justice of the Peace for the said County, who shall thereupon issue his warrant to three disinterested freeholders of the neighbourhood, commanding them, having been first duly sworn, to view and appraise such estray, and certify the valuation under their hands, together with a particular description of the kind, marks, brand, stature, colour, and age; which certificate shall by the Justice be transmitted to the Clerk of the County Court within twenty days, and by such Clerk entered in a book to be kept for that purpose, for which he may demand and take ten pounds of tobacco, to be paid down by the taker up.

SECT. II. THE Clerk shall moreover cause a copy of every such certificate to be publicly affixed at the door of his Court-house, on two several Court-days next after he receive the same, for which, and a certificate thereof, he shall receive the like fee as for entering the same in the book.

SECT. III. IF the valuation shall be under twenty shillings, and no owner shall appear until notice shall have been twice published, as aforesaid, the property shall then be vested in the owner of the land, on which such estray was taken; and if the valuation shall exceed twenty shillings, such owner shall, within three months after the appraisement, send to the public Printer a copy of the certificate, to be advertised three times in the Virginia Gazette, with notice of the place where such estray is, for which the Printer may demand four shillings for each estray; and if no owner appears to claim such estray within a year and a day after the publication, the property shall from thenceforth be vested in the owner of the lands whereon it was taken. But the former owner, in either case, may at any time, within five years afterwards, upon proving his property, demand and recover the valuation money, deducting therefrom the Clerk and Printer's fees, and five shillings for every horse or head of neat cattle, and one shilling for every other beast.

SECT. IV. IF any person shall take up a boat or other vessel adrift, he shall in like manner make application to a Justice of one of the adjacent Counties, for his warrant to have the same valued and described by her kind, burthen and built, and shall proceed in all other respects, and have the same benefit as before directed in the case of estrays. *Provided always*, That if after notice published as aforesaid, any estray shall happen to die, or by any casualty get out of the possession of the person who took the same up, without his or her default, such taker up shall not be answerable for the same, or for the valuation thereof; nor shall any taker up be answerable for any boat or other vessel lost as aforesaid.

SECT. V. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXXI.

An ACT for the restitution of STOLEN GOODS.

SECTION I. **B**E it enacted by the General Assembly, That if any felon do rob or take away any money or goods, or chattels, from any of the citizens of this Commonwealth, or from any person travelling through or making a temporary stay within the same, from their person or otherwise, within this Commonwealth, and thereof the said felon be indicted, and after arraigned of the same felony, and found guilty thereof, or otherwise attainted by reason of evidence given by the party so robbed, or owner of the said money, goods, or chattels, or by any other by their procurement, that then the party so robbed, or owner, shall be restored to his said money, goods, and chattels: And that the Justices before whom any such felon shall be found guilty, or otherwise attainted by reason of evidence given by the party so robbed, or owner, or by any other by their procurement, have power by this present Act, to award from time to time, writs of restitution for the said money, goods, and chattels.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXXII.

An ACT for preventing INFECTION of the HORNED CATTLE.

SECTION I. **B**E it enacted by the General Assembly, That the driving of cattle into, or through the Commonwealth, or any part thereof, if it be not to remove them from one plantation to another of the same owner, or to be used at his house, shall be deemed a nuisance, unless the driver shall produce to any freeholder of a County wherein the drove is passing, who shall require it, a bill of health, signed by some Justice of the Commonwealth, containing the number of the drove, with descriptions of the cattle, by their sexes, flesh marks, and ear marks, or brands, and certifying them to be free from distemper; or, notwithstanding he may produce such bill of health, unless he shall forthwith obtain another at the like requisition, if any such freeholder make affidavit, before a Justice, that he hath cause to suspect some of the cattle to be distempered. Such bill of health shall not be given, in either case, before two disinterested freeholders, appointed by warrant of a Justice, shall have viewed the cattle, and reported them to be free from distemper. A freeholder refusing to obey such warrant, shall be amerced by the Justice granting such warrant, in any sum not exceeding twenty-five shillings. If the cattle appear by the report to be distempered, the owner may impound them; and if he refuse to do so, or if he suffer them to escape from the pound, before a Justice shall have certified that they may be removed without annoying others, the same Justice, or some other to whom information shall be given of the fact, shall, by his order, cause them to be slaughtered, and their carcases, with the hides on, but so cut or mangled that none may be tempted to take them up and flay them, to be buried four feet deep. Those who shall be employed in executing such orders, shall receive five shillings for every head so buried, to be paid by the County wherein it shall happen; and every one appointed by the order, who shall refuse or neglect to execute it, shall be amerced in the sum of five shillings for every head so ordered to be buried. Every one shall so restrain his distempered cattle, or such as are under his care, as that they may not go at large off the land to which they belong, and when they die, shall bury them with their hides, in manner aforesaid; and knowingly offending in either of those instances, shall be amerced in the sum of twenty shillings for every head they shall neglect so to bury.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXXIII.

An ACT for improving the Breed of HORSES.

SECTION I. **B**E it enacted by the General Assembly, That no person shall suffer a stoned-horse of the age of two years, whereof he is owner, or hath the keeping, to run at large out of the enclosed ground of the owner or keeper; and whosoever shall wilfully or negligently do so, after having been admonished to confine such horse, shall forfeit and pay five pounds, to him who will sue for it, and double that sum for any such transgression after one conviction; and, if after a second conviction, the same horse be found so running at large, it shall be lawful for the person who will take him up, to retain him to his own use.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P.

An ACT for licensing and regulating TAVERNS.

SECTION I. *BE it enacted by the General Assembly,* That it shall not be lawful for any one to keep a tavern, before they shall have obtained a license for that purpose, from the Court authorized to grant the same; and if any one, without such license, open a tavern, or sell by retail, wine, beer, cyder, or rum, brandy, or other spirituous liquor, or a mixture thereof, to be drank in or at the place where it shall be sold, or in any booth, arbour, or stall, such offence shall be deemed a breach of the good behaviour, and he or she so offending, shall moreover forfeit and pay the sum of ten pounds current money, to be applied towards lessening the County levy: Which license shall be granted only to such as the Court shall think able to provide for the accommodation of travellers, and in such places as are most convenient for them, and shall be in force one year, and from the end thereof until the next session. If guests or others play at any game, contrary to law, in a tavern, and the keeper thereof shall not endeavour to hinder them, and if they persist, to give information of the offence, within one month thereafter, to the Court, or two Justices of the Peace, his license shall be revoked by the Court, unless, being summoned to shew cause to the contrary, he appear, and prove such facts as induce them to believe, not only he did not know of, but moreover that he had no reason to suspect such playing. The prices to be paid for diet, liquors, lodging, provender, stableage, and pasture, at taverns, shall be rated once a year by the Court, of which rates a copy, within one month afterwards, as they shall be set, or from time to time altered, attested by the Clerk of the Court, shall be set up by every keeper of a tavern, exposed in some public room thereof, not more than six feet above the floor, and so long as he neglect this, after the month, he shall have no right to demand any price for a rated article. Neither shall the keeper of a tavern recover more than twenty-five shillings for liquor sold, within the space of a year, to one person, residing less than twenty miles from such tavern, and drunk, or sold to be drunk in the place where it is kept; and a written contract or bond, or other speciality, for payment, delivery, or security, of money, or other thing, for performance of any work or service, whereof the whole or any part shall have become due for liquors so sold, shall be void.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

An ACT concerning PUBLIC ROADS.

SECTION I. *BE it enacted by the General Assembly,* That where any person or persons shall make application to any County Court, to have a new road opened, or a former one altered, within their County, for the convenience of travelling to their County Court-House, to any public warehouse, landing, ferry, mill, lead or iron works, or to the Seat of Government, they shall appoint three or more fit and able persons, to be sworn before a Justice of the Peace, to view the ground along which such road is proposed to be conducted, and to report to them truly and impartially the conveniences and inconveniences which will result, as well to individuals as to the public, if such way shall be opened; and where the application is to alter a former road, they shall also view the former road, and report in like manner, the comparative conveniences and inconveniences thereof.

SECT. II. UPON the return of the said Viewers, if the Court shall be of opinion that the road applied for will be convenient, they shall order summonses to be issued to the proprietors and tenants of the lands, through which the same is proposed to be conducted, if they be found within the County, and if not, then to their agents therein, if any they have, to shew cause why such road should not be opened; upon the return of which summons, if any proprietor or tenant so desire, the said Court shall order their Clerk to issue a writ in the nature of a writ *ad quod damnum*, to be directed to the Sheriff, commanding him to summon and empanel twelve able and discreet freeholders of the vicinage, no ways related to either party, to meet at some certain place on the ground through which the said road is proposed to be conducted, and on a certain day to be named by the Court, and inserted in the said writ, of which notice shall be given by the Sheriff to the said proprietors or tenants, or their agents, as before directed, if they were not present in Court at the time of the order made; which freeholders, taking nothing (on pain of being discharged from the inquest, and immediately imprisoned by the Sheriff) either of meat or drink, from any person whatever, from the time they shall come to the said place until their inquest sealed, shall be charged by the said Sheriff impartially, and to the best of their skill and judgment to view the lands through which the said road is proposed to be conducted, and say to what damage it will be of to the several and respective proprietors and tenants, who desired such writ, taking into estimation as well the use of the lands to be laid open for such road, as the additional fencing, which will thereby be rendered necessary; and if the said inquest cannot be completed in one day, the Sheriff shall adjourn the said Jurors from day to day, until the same be completed: Which inquest, sealed by the said Jurors, together with the writ, shall be returned to the Court, who thereupon, as well as upon other evidence, shall proceed to consider whether, all circumstances weighed, it be better that the said road shall be opened, and if they be of opinion that the same shall be opened, they shall levy on their County, at their next levy to be laid, the damages so found, and the costs of the inquest, and direct them to be paid to those respectively entitled thereto. But if they shall be of opinion that the said road ought not to be opened, the costs of such inquest shall be adjudged against the party applying for the said road. But it shall not be lawful for any Court to order a road to be opened through any lot of land in any town, without the consent of the owner and tenant thereof.

SECT. III. THE several Courts shall also divide all the public roads into precincts, and as often as it shall be necessary, appoint a Surveyor over every precinct, whose duty it shall be to superintend the road in his precinct, and see that the same be cleared and kept in good repair; which Surveyor shall continue in office until another shall be appointed by the said Court in his stead.

SECT. IV. ALL male labouring persons, of the age of sixteen years or more, except such as are masters of two or more male labouring slaves, of the age of sixteen years or more, shall be appointed by the Court to work on some public road: For every person so appointed, who, when required by the Surveyor placed over him, shall, without legal cause or disability, fail to attend, with proper tools for clearing the road, or shall refuse to work when there, or to find some other person equally able, to work in his room, the sum of seven shillings and six-pence for every day's offence, shall be paid by himself, if he be a freeman of full age, if an infant, then by his parent, guardian, or master, and if a slave or servant, then by his overseer, if he be under one, or otherwise, by his master.

SECT. V. THE Clerk of every County Court shall, within ten days after the appointment of any Surveyor of a Road, deliver a copy of the order to the Sheriff of the County, under the penalty of fifteen shillings; and the Sheriff, within fifteen days after the receipt of such order, shall deliver the same to the Surveyor, under the penalty of fifteen shillings. And each Clerk shall moreover, once in every year, fix up in the Court-house, a list of the names and precincts of all the Surveyors of Roads in his County, under the penalty of fifty shillings for every neglect.

SECT. VI. EVERY Surveyor of a Road shall cause the same to be constantly kept well cleared and smoothed, and thirty feet wide at the least; and at the fork or crossing of every public road, shall cause to be erected, and kept in repair from time to time, a stone, or otherwise an index on a post or tree, with plain inscriptions thereon, in large letters, directing to the most noted place to which each of the said roads shall lead, and may take stone or wood for that purpose from any adjoining land; and for the expence of setting up and inscribing such stones, posts, or indexes, and keeping them in repair;

repair, the Surveyor shall be reimbursed by the County Court in their next succeeding levy; and where bridges and causeys are necessary, the Surveyor shall cause them to be made, twelve feet broad at the least, convenient and safe, and shall keep the same in repair, and for that purpose may cut and take from the lands of any person adjoining, such, and so much timber, earth, or stone, as may be necessary, the same being first viewed and valued by two honest house-keepers appointed and sworn for that purpose by a Justice of the Peace, unless the owner shall freely give such timber, stone, or earth, for that use; but where a road leads through a city or town, the Surveyor shall not take any timber, stone, or earth, from any lot within the town, without the permission of the owner, but shall take the same from the lands nigh or adjacent to the said town, where it will do the least injury to the proprietor; and where the assistance of wheel-carriages is necessary for making or repairing any causeys, any Justice of Peace may issue his warrant, under his hand and seal, for empowering the Surveyor to impress such necessary carriages, draught horses, or oxen, with their gear and driver, belonging to any person who, or their servants or slaves, are appointed to work on the road, and appointing two honest house-keepers, who, being sworn, shall value, by the day, the use of such carriages, draught horses, oxen, and driver, which valuation, with a certificate from the Surveyor how many days the said things were employed in the work, shall entitle the owner to an allowance for the same in the next County levy. And in the like manner shall the owner of timber, stone, or earth, taken for bridges or causeys, be entitled to the valuation thereof in the next County levy, upon a certificate from the two house-keepers who value the same. Every Surveyor of a Road, who fails to do his duty as aforesaid, shall forfeit fifteen shillings for every offence.

SECT. VII. WHERE a bridge or causey shall be necessary, and the Surveyor, with his assistants, cannot make or maintain the same, the Court of the County are empowered and required to contract for the building and repairing such bridge or causey, and to levy the charge thereof in their County levy. And where such bridge or causey shall be necessary from one County to another, the Court of each County shall join in the agreement for building and repairing the same, and the charge shall be defrayed by both Counties, in proportion to the public tax or assessment paid by each. Upon every such contract or agreement, bond and security shall be given by the undertaker, payable to the Governor and his successors, for the use of the County or Counties, as the case shall be, with condition for performing the same, and may be prosecuted at the costs, and for the benefit of the County or Counties, or any person sustaining a loss by the breach thereof, as often as it shall happen, until the whole penalty of the bond shall be paid. And all such contracts made by County Courts, or others appointed by them, shall be available and binding upon the Justices and their successors, so as to entitle the undertaker to his stipulated reward in the County levy, or to a recovery thereof with costs, by action of debt, against the Justices refusing to levy the same.

SECT. VIII. WHEN the Justices of one County shall judge a bridge or causey over any place between them and another County to be necessary, they shall notify the same to the Justices of such other County, and require them to appoint three persons to meet at the said place on a certain day to be named by the Court requiring the same, to confer with three others, to be appointed by the said requiring Court, and agree on the manner and condition of executing the same; which six persons, or so many of them as meet, being not fewer than three, shall have power to agree on the manner and conditions of doing the said work, and to see that the same be done: And if the Court so required shall fail to appoint persons to act on their behalf, or to do what on their part should be done towards executing and paying for the said work, the Justices of the Court which made the requisition shall apply to the General Court for a writ of mandamus, to be directed to the Justices of the other Court, commanding them to do, what on their part they ought to have done, and have failed to do, or to signify to them cause to the contrary thereof; upon the return of which writ, the General Court, if they shall be of opinion that the work is unnecessary, or that other sufficient cause is returned, shall quash the writ; or if they think otherwise, shall cause such further proceedings to be had as are usual in other cases of mandamus issuing from the said Court: And the like method of proceeding by way of mandamus shall be used, where the Justices of one County shall think it necessary to open a road to their County Line, for the convenience of passing to some public place in another, and the Justices of such other shall refuse to continue the road through their County.

SECT. IX. IF any person shall fell a tree into a public road, or into any stream of water, whereon there shall be any public bridge, and shall not remove the same within forty-eight hours, or shall kill a tree within the distance of fifty feet from the road, or shall cut, pull up, destroy, or deface, any stone, or post, erected for the direction of travellers, or the indexes or inscriptions thereon, it shall be deemed a nuisance.

SECT. X. EVERY free man, of full age, so offending, or the parent, master, or owner, of every child, apprentice, servant, or slave, so offending, with his or her knowledge, shall forfeit and pay ten pounds for every offence. And where any fence shall be made across a public road, the owner or tenant of the land shall pay ten shillings for every twenty-four hours the same shall be continued.

SECT. XI. THE owner or occupier of every dam over which a public road passes, shall constantly keep such dam in repair, at least twelve feet wide at the top, through the whole length thereof, and shall keep and maintain a bridge of like breadth, with strong rails on each side thereof, over the pier-head, flood-gates, or any waste, cut through or round the dam, under the penalty of ten shillings for every twenty-four hours failure; but where a mill-dam shall be carried away or destroyed by tempest, or accident, the owner or occupier thereof shall not be liable to the said penalties from thenceforth, until one month after such mill shall have been so repaired as to have ground one bushel of grain.

SECT. XII. ALL the penalties in this Act, not otherwise directed, shall be one moiety to the informer, and the other to the use of the County, recoverable with costs, on warrant, petition, or action, as the case may be. Any Justice, who, upon his own view, shall discover a road, bridge, causey, or mill-dam, as aforesaid, out of repair, shall issue a warrant against the Surveyor, or other delinquent, and if no reasonable excuse be made for such default, may give judgment for the penalty and costs, not exceeding twenty-five shillings, or such offenders may be presented by the Grand Juries; in all which cases of conviction, on view of a Justice, or presentment, or on private informations to Justices, where there shall be no evidence to convict the offender but the informer's own oath; the whole penalties shall be to the use of the County, towards lessening the levy thereof, and shall be annually collected and accounted for by the Sheriff, in the same manner as County levies; and to enable the Sheriff to make such collection, every Justice, immediately on conviction of any offender, where the penalty is to be to the County, shall certify the same to the Clerk of his County Court, who shall yearly, before the first day of March, deliver to the Sheriff a list of all the offenders so certified, and of all others convicted in Court, within one year preceding of any offence against this Act.

SECT. XIII. PROVIDED, That prosecutions for any offence herein mentioned shall be commenced within six months after the offence committed, and not after.

SECT. XIV. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

CHAP. LXXVI.

An ACT for unlading BALLAST and burial of dead BODIES from on board Ships.

SECTION I. **B**E it enacted by the General Assembly, That the Court of every County or Corporation, adjacent to any navigable river or creek, shall from time to time, as vacancies happen, appoint one or more Ballast-masters, residing near to the places where vessels usually

usually ride in such river or creek, to be Overseers and Directors of the delivery and unloading of ballast from on board any ship or vessel within a certain district, to be by them ascertained.

SECT. II. EVERY Ballast-master so appointed, upon receiving notice from the Master or Chief Officer on board of any ship or vessel within his district, that ballast is to be discharged from such vessel, shall go on board the same, and attend until the whole ballast is delivered, which he shall see brought on shore and laid at some convenient place near the vessel, where it may not obstruct navigation, nor be washed into the channel, shall thereupon give such Master or Officer a certificate that the ballast hath been duly unladen from on board such vessel; for which service he shall receive five shillings per day, to be paid by the Master or Chief Officer to whom such certificate is granted.

SECT. III. EVERY Ballast-master failing to do his duty, according to this Act, shall forfeit twenty pounds for each default, in which case, or if there be no Ballast-master, the Naval-Officer of the district, shall, under the like penalty, perform the same duty.

SECT. IV. EVERY Master or Chief Officer of a ship or vessel, having ballast to unlade, shall give notice in writing, of the time he purposes to land the same, to the Ballast-master of the district; and shall produce to the Naval-Officer, at the time of his clearing out, a certificate of his having unladen his ballast, according to this Act. And if any Master or Chief Officer on board of any ship or vessel, shall presume to land or cast overboard any ballast therefrom, without giving such notice, or contrary to the orders he shall receive from the Ballast-master of the district, or shall fail to produce a certificate of his having duly landed his ballast, to the Naval-Officer at the time of his clearing out, he shall forfeit fifty pounds for every offence or failure; and, in any suit to be brought for the said penalty, the Clerk shall endorse on the writ that bail is to be required; and the Court may rule the defendant to give special bail, if they see cause so to do.

SECT. V. WHEN any person shall die on board of any ship or vessel, within this State, the Master thereof shall cause the dead body to be brought on shore, and there buried, at least four feet deep above high-water mark, or be subject to the penalty of fifty pounds; in any suit, for which, the defendant may be ruled to give special bail, and the Clerk shall endorse on the writ that bail is required.

SECT. VI. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

CHAP. LXXVII.

An ACT concerning SLAVES.

SECTION I. **B**E it enacted by the General Assembly, That no persons shall henceforth be slaves within this Commonwealth, except such as were so on the first day of this present session of Assembly, and the descendants of the females of them. Slaves which shall hereafter be brought into this Commonwealth, and kept therein one whole year together, or so long at different times as shall amount to one year, shall be free.

SECT. II. NO Negro or Mulatto shall be a witness, except in pleas of the Commonwealth against Negroes or Mulattoes, or in civil pleas wherein Negroes or Mulattoes alone shall be parties.

SECT. III. NO slave shall go from the tenements of his master or other person with whom he lives, without a pass, or some letter or token whereby it may appear that he is proceeding by authority from his master, employer, or overseer: If he does, it shall be lawful for any person to apprehend and carry him before a Justice of the Peace, to be by his order punished with stripes or not, in his discretion.

SECT. IV. NO slave shall keep any arms whatever, nor pass unless with written orders from his master or employer, or in his company with arms, from one place to another. Arms in possession of a slave contrary to this prohibition, shall be forfeited to him who will seize them. Riots, routs, unlawful assemblies, trespasses, and seditious speeches, by a slave or slaves, shall be punished with stripes, at the discretion of a Justice of the Peace, and he who will may apprehend and carry him, her, or them, before such Justice.

SECT. V. *PROVIDED*, That nothing in this Act contained shall be construed to extend to those who may incline to remove from any of the United States and become citizens of this, if within ten days after such removal he or she shall take the following oath before some Justice of the Peace of this Commonwealth: "I A. B. do swear that my removal into the State of Virginia was with no intent of evading the laws for preventing the further importation of slaves, nor have I brought with me any slaves with an intention of selling them, nor have any of the slaves which I have brought with me been imported from Africa, or any of the West-India islands, since the first day of November, 1778. So help me GOD." Nor to any persons claiming slaves by descent, marriage, or devise; or to any citizens of this Commonwealth, being now the actual owners of slaves within any of the United States and removing such hither; nor to travellers and others making a transient stay, and bringing slaves for necessary attendance, and carrying them out again.

SECT. VI. *AND* be it further enacted, That no person whatsoever shall buy, sell, or receive of, to or from a slave, any commodity whatsoever without the leave or consent of the master, owner,

or overseer of such slave. And if any person shall presume to deal with any slave without such leave or consent, he or she so offending, shall forfeit and pay to the master or owner of such slave four times the value of the thing so bought, sold, or received, to be recovered with costs, by action upon the case, in any Court of Record within this Commonwealth; and shall also forfeit and pay the further sum of five pounds, to any person who will sue for the same, to be recovered with costs, by summons and petition, in the same manner as other debts not exceeding five pounds, nor under twenty-five shillings are, or receive on his or her bare back thirty-nine lashes well laid on at the public whipping-post, but shall nevertheless be liable to pay the costs of such summons and petition.

SECT. IIV. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXXVIII.

An ACT declaring what PERSONS shall be deemed MULATTOES.

SECTION I. **B**E it enacted by the General Assembly, That every person of whose grandfathers or grandmothers any one is, or shall have been a Negro, although all his other progenitors, except that descending from the Negro, shall have been white persons, shall be deemed a Mulatto; and so every person who shall have one-fourth part or more of Negro blood, shall, in like manner, be deemed a Mulatto.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXXIX.

An ACT concerning ALIENS.

SECTION I. **B**E it enacted by the General Assembly, That in case that war arise betwixt the United States of America and any foreign State, the merchants and people of such State, their families, agents, and servants, found in this Commonwealth at the beginning of the war, shall not be attached either in their body or goods because of such war, but shall be warned by proclamation from the Governor, taking thereon the advice of the Council of State, that they shall depart the Commonwealth with their families, agents and servants, afore said, and their goods, freely within forty days after the proclamation made and published. In the meantime they shall not be impeached, nor let of their passage, or of making their profit of the same merchandizes, if they will sell them. And in case that for default of wind or of ship, or for sickness, or for other evident cause, they cannot depart the Commonwealth within so short a time, then they shall have other forty days, or so much more as the necessity of their affairs may require, and the Governor and Council may think it safe to allow, and in the meantime may sell their merchandize as afore is said.

SECT. II. BUT if before their departure credible intelligence shall be brought to the Governor, that the merchants or people of any of the United States be evil treated in the land making war against us, then they shall be attached without harm of body or goods, until the truth of the matter be certainly known unto the Governor and Council of State: And if the merchants and people of the United States be well treated there, theirs shall be likewise with us: And if otherwise, theirs shall be treated or demeaned within the Commonwealth, in the manner, form, and condition as the merchants or people of the United States be treated or demeaned in the land making war against us.

SECT. III. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXXX.

An ACT directing what PRISONERS shall be let to BAIL.

SECTION I. **F**OR ascertaining in what cases persons apprehended on suspicion of felony shall or shall not be admitted to bail: *BE it enacted by the General Assembly,* That those shall be let to bail who are apprehended for any crime not punishable in life or limb: And if the crime be so punishable, but only a light suspicion of guilt fall on the party, he shall in like manner be bailable: But if the crime be punishable in life or limb, or if it be manslaughter, and there be good cause to believe the party guilty thereof, he shall not be admitted to bail.

SECT. II. NO person shall be bailed after conviction of any felony.

SECT. III. IF any Justice let any go at large on bail who is not bailable, or refuse to admit to bail any who have right to be so admitted, after they shall have offered sufficient bail, or require excessive bail, he shall be amerced at the discretion of a Jury.

SECT. IV. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXXXI.

An ACT declaring that none shall be condemned without Trial, and that JUSTICE shall not be sold or deferred.

SECTION I. **B**E it enacted by the General Assembly, That no freeman shall be taken or imprisoned, or be disseized of his freehold, or liberties or free customs, or be outlawed or exiled, or any otherwise destroyed, nor shall the Commonwealth pass upon him, nor condemn him; but by lawful judgment of his peers, or by the laws of the land. Justice or right shall not be sold, denied, or deferred, to any man.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXXXII.

An ACT concerning MILL-DAMS and other Obstructions of WATER COURSES.

SECTION I. **B**E it enacted by the General Assembly, That when any person owning lands on one side of any water-course, the bed whereof belongeth to himself, or to the Commonwealth, and desiring to build a water grist-mill on such lands, and to erect a dam across the same, for working the said mill, shall not himself have the fee-simple property in the lands on the opposite side thereof, against which he would abutt his said dam, he shall make application for a writ of *ad quod damnum*, to the Court of the County wherein the lands proposed for the abutment are, having given ten days previous notice to the proprietor thereof, if he be to be found in the County, and if not, then to his agent therein, if any he hath, which Court shall thereupon order their Clerk to issue such writ, to be directed to the Sheriff, commanding him to summon and empanel twelve fit persons to meet upon the lands so proposed for the abutment, on a certain day, to be named by the Court, and inserted in the said writ, of which notice shall be given by the Sheriff, to the said proprietor or his agent, as before directed, if neither of them were present in Court at the time of the order made; which freeholders taken, shall be charged by the said Sheriff, impartially, and to the best of their skill and judgment, to view the said lands so proposed for an abutment, and to locate and circumscribe, by certain metes and bounds, one acre thereof, having due regard therein to the interests of both parties, and to appraise the same according to its true value, to examine the lands above and below, of the property of others, which may probably be overflowed, and say to what damage it will be of to the several proprietors, and whether the mansion house of any such proprietor, or the offices, curtilage, or garden, thereunto immediately belonging, or orchards, will be overflowed; to enquire whether, and in what degree, fish of passage and ordinary navigation will be obstructed; whether by any, and by what means, such obstruction may be prevented; and whether in their opinion the health of the neighbours will be annoyed by the stagnation of the waters. And the inquest so made and sealed by the said Jurors, together with the writ, shall be returned by the said Sheriff to the succeeding Court, who shall thereupon order summonses to be issued to the several persons, proprietors or tenants of the lands so located, or found liable to damage, if they be to be found within the County, and if not, then to their agents therein, if any they have, to shew cause why the party applying should not have leave to build the said mill and dam. And in like manner, if the person proposing to build such mill and dam shall have the fee-simple property in the lands on both sides the stream, yet application shall be made to the Court of the County wherein the mill-house will stand, for a writ to examine as aforesaid what lands may be overflowed, and say to what damage it will be of to the several proprietors, and whether the mansion house of any such proprietor, or the offices, curtilage, or garden, thereto immediately belonging, or orchards, will be overflowed; also, whether, and in what degree fish of passage and ordinary navigation will be obstructed thereby, whether by any, and by what means, such obstruction may be prevented, and whether in their opinion the health of the neighbours will be annoyed by the stagnation of waters; which writ shall be directed, executed and returned, as prescribed in the former case. And if on such inquest, or on other evidence, it shall appear to the Court that the mansion house of any proprietor, or the offices, curtilage, or garden, thereto immediately belonging, or orchards, will be overflowed, or the health of the neighbours be annoyed, they shall not give leave to build the said mill and dam; but if none of these injuries are likely to ensue, they shall then proceed to consider whether, all circumstances weighed, it be reasonable that such leave should be given, and shall give or not give it accordingly; and if given, they shall lay the party applying under such conditions for preventing the obstruction, if any there will be, of fish of passage and ordinary navigation, as to them shall seem right.

SECT. II. AND if the party applying obtain leave to build the said mill and dam, he shall, upon paying respectively to the several parties entitled, the value of the acre located, and the damages which the Jurors find will be done by overflowing the lands above or below, become seized in fee-simple of the said acre of land. But if he shall not, within one year thereafter, begin to build the said mill, and finish the same in three years, and afterwards continue it in good repair for public use, or in case the said mill or dam be destroyed, if he shall not begin to rebuild it within one year after such destruction, and finish it within three years, the said acre of land shall revert to the former proprietor, and his heirs, unless at the time of such destruction of the said mill or dam the owner thereof be an infant, feme covert, imprisoned, or of unsound mind, in which case he shall be allowed the same terms for beginning and completing the said mill or dam after such disability removed.

SECT. III. THE inquest of the said Jurors nevertheless, or opinion of the Court, shall not bar any prosecution or action, which any person would have had in law, had this Act never been made, other than for such injuries as were actually foreseen and estimated by the said Jury.

SECT. IV. IT shall be lawful for the owner or tenant of any such mill, or of any other grist-mill, to take for toll one eighth part, and no more, of all grain of which the remaining part shall be ground into meal, and one sixteenth part, and no more, of that, the remainder of which shall be ground into hominy or malt.

SECT. V. NO owner or tenant of any mill, not having fifty acres of land adjoining thereto, shall keep any swine uninclosed at such mill, on pain that the same shall be liable to be taken and converted to his own use by the proprietor or tenant of any adjacent lands, or by any other person authorized by them.

SECT. VI. WHERE the owner of any mill now standing, or licensed to be built, hath by any Act of Assembly been compelled to make locks, slopes, or opening, for navigation, or the passage of fish, the same shall be continued under the conditions imposed by such Act, and shall be deemed sufficient in law, so long as the dam now standing, or building, shall remain: But it shall not be lawful to rebuild such dam in future, but on enquiry by Jury into the obstructions of fish and navigation, and the means of preventing the same, and the final order of the Court, to be applied for and conducted in the manner before directed in other cases.

SECT. VII. IT shall not be lawful for any person to erect or fix in any water-course, any dam, hedge, weir, seine, drag, or other stoppage, whereby navigation, or the passage of fish, may be obstructed, save only for the purpose of working some machine or engine useful to the public, in which cases the same proceedings shall be had as are before directed in the case of a water grist-mill, or for the purpose of a water grist-mill, before provided for: And where any such are now standing, or shall hereafter be erected or fixed, the owner or tenant of the lands adjacent thereto (whether the same were erected or fixed by himself or another) shall cause it to be abated: And who so offendeth herein, shall be deemed guilty of a nuisance.

SECT.

SECT. VIII. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

CHAP. LXXXIII.

An ACT concerning SERVANTS.

SECTION I. **B**E it enacted by the General Assembly, That all white persons not being citizens of any of the confederated States of America, who shall come into this Commonwealth under contract to serve another in any trade or occupation, shall be compellable to perform such contract specifically during the term thereof, or during so much of the same as shall not exceed seven years. Infants under the age of fourteen years brought in under the like contract, entered into with the consent of their father or guardian, shall serve till their age of twenty-one years only, or for such shorter term as the said contract shall have fixed.

SECT. II. THE said servants shall be provided by their master with wholesome and sufficient food, clothing and lodging, and at the end of their service, if they shall not have contracted for any reward, other than transportation, food, clothing, and lodging, shall receive from him one new and complete suit of clothing suited to the season of the year, to wit, a coat, waistcoat, pair of breeches and shoes, two pair of stockings, two shirts, a hat, and blanket.

SECT. III. THE benefit of the said contract of service shall be assignable by the master to any person to whom the servant shall, in the presence of a Justice of the Peace, freely consent that it shall be assigned, the said Justice attesting each free consent in writing, and shall also pass to the executors, administrators, and legatees of the master.

SECT. IV. ANY such servant being lazy, disorderly, guilty of misbehaviour to his master, or in his master's family, shall be corrected by stripes, on order from a Justice of the County, City, or Corporation, wherein he resides, or refusing to work, shall be compelled thereto in like manner, and moreover shall serve two days for every one he shall have refused to serve, or shall otherwise have lost, without sufficient justification. All necessary expences incurred by any master for apprehending and bringing home any absconding servant shall be repaid by further service, after such rates as the Court of the County, City, or Corporation shall direct, unless such servant shall give security, to be approved of by the said Court, for re-payment in money within six months after he shall be free from service, and shall accordingly pay the same.

SECT. V. IF any master shall fail in the duties prescribed by this Act, or shall be guilty of injurious demeanor towards his servant, it shall be redressed, on motion by the Court of the County, City, or Corporation, wherein the servant resides, by immediate discharge from service if the injury were gross, or by a specific order for a change in his demeanor and a discharge from service, if such order be disobeyed.

SECT. VI. ALL contracts between master and servant during the time of service shall be void.

SECT. VII. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

CHAP. LXXXIV.

An ACT for apprehending and securing RUNAWAYS.

SECTION I. **B**E it enacted by the General Assembly, That any person may apprehend a servant or slave, suspected to be a runaway, and carry him before a Justice of the Peace, who, if to him the servant or slave appear, by the oath of the apprehender, to be a runaway, shall give certificate of such oath, and the distance, in his opinion, between the place where the runaway was apprehended and that from whence he fled; and the apprehender shall thereupon carry the runaway to the last mentioned place, or deliver him to the owner, or some other authorized to receive him, and shall be entitled to ten shillings, and one shilling for every mile of such distance as he shall necessarily carry him, to be paid by the owner. The runaway, if the owner be not known, or reside not in the Commonwealth, shall be, by warrant of the Justice, committed to the jail of his County, the Keeper whereof shall forthwith cause an advertisement, with a description of the runaway's person and wearing apparel, to be set up at the door of the Court-house, and of every Church in his County within ten miles. If the owner claim not within two months thereafter, the Sheriff shall publish a like advertisement in the Virginia Gazette for three months, and shall hire the runaway out during such time, and for such wages as his County Court shall approve, having put an iron collar, stamped with the letter F. round his neck, and out of the wages pay the reward for apprehending, and the expences incurred on his account; but he shall deliver the runaway, even before the time expire, and pay the balance of the wages received, if any, to him who shall claim, and who having proved before the Court of some County, or a Justice of the Peace of the County in which such runaway is confined, that he had lost such an one as was described in the advertisement, and having there given security to indemnify the Sheriff, shall produce the Clerk's or the Justice's certificate of such proof made and security given, prove, by his own or another's oath, the runaway when shewn to him, to be the same that was so lost, and pay so much as the expences aforesaid shall exceed the wages. The runaway, being a slave, after the end of one year from the last advertisement, shall be sold, and the proceeds of the sale, with the balance of the wages, paid to the Public Treasurer, for the use of the owner, proving his property at any future time, or otherwise for the use of the Commonwealth. If the runaway die in jail, the expences shall be defrayed by the public. The runaway, if he shall have crossed the bay of Chesapeake, shall be delivered to the Sheriff of some County bounded thereby, who shall transport him to the other side, and cause him to be put into the hands of a constable, to be by constable to constable conveyed to the owner, who shall pay to the Sheriff five pounds, and to the constable one shilling for every mile he shall necessarily travel in performing this duty.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

CHAP. LXXXV.

An ACT to enable GUARDIANS and COMMITTEES to perform certain Acts for the benefit of those who are under their Care.

SECTION I. **B**E it enacted by the General Assembly, That where any person under the age of twenty-one years, or of unsound mind is, or shall be seized or possessed of any land, tenements, or hereditaments, in trust or by way of mortgage, the guardian of the one, or committee of the other (which committee shall be appointed by the High Court of Chancery) by order of such Court made, upon the petition of one or more of the parties interested, and after hearing them all, may execute any such deed, or perform any other such act as the trustee, or mortgagee, if he were of full age, or of sane mind, respectively might have executed or performed; and such deed or other act shall be as valid, except that he shall not be bound by a warranty or other covenant contained in the deed. Also the said Court may in like manner empower such guardian or committee to make, or take, a surrender of a former lease, and to take, or make, a new lease, as the case may require, and as it shall seem most for the advantage of the infant, idiot, or lunatic, out of whose estate any fine that may be advanced and all other just expences that may be incurred in order to obtain a new lease to him, shall

be reimbursed, and the new lease shall not only be chargeable with such fine and expences, but shall remain subject to all encumbrances which the lease surrendered would have been subject to.

SECT. II. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

C H A P. LXXXVI.

An ACT concerning GUARDIANS, INFANTS, MASTERS, and APPRENTICES.

SECTION I. **B**E it enacted by the General Assembly, That any father, even if he be not twenty-one years old, may, by deed, or last will and testament, either of them being executed in presence of two creditable witnesses, grant or devise the custody and tuition of his child, which had never been married, although it be not born, during any part of the infancy of such child, to whomsoever he will; and such grant or devise heretofore or hereafter to be made, shall give the grantee or devisee the same power over the person of the child as a guardian in common socage hath, and authorize him, by action of ravishment of ward or trespass, to recover the child, with damages, for the wrongful taking or detaining him or her, for his or her use, and for the same use to undertake the care and management, and receive the profits of the ward's estate, real and personal, and prosecute and maintain any such action and suits concerning the same, as a guardian in common socage may do. The High Court of Chancery generally, and the Court of every County in Chancery within the limits of their jurisdiction, shall have power from time to time to controul guardians, and hear and determine all matters between them and their wards; to require security of any guardian in socage, or statutory guardian, when that caution shall seem necessary, for prevention of any damage his ward may suffer, by neglect, mismanagement, or malversation; and if the security be refused or delayed, or if such guardian appear to have been guilty of a flagrant abuse of trust, to displace him, and appoint another in his stead, and to give such directions, and make such rules and orders, as they shall think fit, for the government, maintenance, and education of wards, and preservation of their estates, and for the conduct of guardians. Every Court appointing a guardian, shall take bond of him, with sufficient surety for the faithful execution of his office, and if any Court omit this duty, or take such surety as shall not satisfy them of his sufficiency, which may be done as well by the surety's affidavit, as otherwise, the ward, by an action on the case against the Judges or Justices so making default, may recover so much of the damages which the guardian and surety shall be answerable for as these shall be unable to pay. If any guardian refuse, or be unable, to give the surety required of him, the Court may put the estate into the hands of a curator, the fittest they can prevail upon, to undertake the care of it, to be accountable to them, and in that case shall not be sponisible for his ability. Every guardian, or curator, to be appointed by any Court, shall, at the term or session next afterwards, deliver into such Court, an inventory, upon oath, of all the estate which he shall have received, to be entered of record in a separate book; and such guardian, or curator, and every guardian heretofore so appointed, shall exhibit to such Court, once in every year, which, if it be a County Court, shall be in August, or at the next session, if there be none in that month, or oftener, if he be specially required, accounts, of the produce of the estate, of the sales and disposition of that produce, and of the disbursements, which accounts shall be examined by the Court, or by such persons as the Court shall refer them to, and being found and certified, or reported to be properly and fairly stated, and the articles thereof to be justified by the vouchers, and the report, in case of a reference, being approved and confirmed by the Court, shall, with such certificate or confirmation, be entered of record in the book aforesaid: And if any article of such accounts at any time afterwards be excepted to by the ward, or his representative, it shall be incumbent on him to prove or shew the falsity or injustice thereof, unless notice on his behalf shall have been given at the time of passing the accounts, that such article would be excepted to, and a memorandum of that notice shall have been entered on record, or desired to be entered. The Court, at any time when they shall know or have cause to suspect that the surety of a guardian is failing, may require and compel such guardian to give supplemental security, or if he refuse or neglect to do so, may displace him. A guardian who shall not deliver in such inventory, and render such accounts as aforesaid, shall, by order of the Court to which he is amenable, be summoned, and if he remain in default, be compelled to perform his duty, or be displaced; for which purpose the summons, or other process from a County Court, may be directed to and shall be executed by the Sheriff of any other County wherein the guardian may be found, and every Judge or Justice of the Court sitting therein, at any time during the term or session in which the process ought to have been ordered, if it be not ordered accordingly, shall be amerced. If the disbursements of the guardian, being suitable to the estate and circumstances of the ward, shall exceed the profits of his estate in any year, the balance, with the allowance of the Court, may be debited in the account of a succeeding year; and a balance appearing on the contrary side, may be put out to interest, for the benefit of the ward, upon such security as the Court shall approve, or the guardian, if it remain in his hands, shall account for the interest, to be computed from the time his accounts were or ought to have been passed. If any surety for a guardian, by petition to the Court before whom they were bound, setting forth, that he apprehends himself to be in danger of suffering thereby, shall pray that he may be relieved, the Court, after a summons to answer the petition shall have been served upon the guardian, or a copy of such summons shall have been left at the place of his usual abode, shall order him to give counter security, or to deliver the ward's estate into the hands of the surety, or some other, in that case taking sufficient security, or may make such other order for relief of the petitioner as to them shall seem just. The estate of a guardian, not under a specific lien, shall, after his death, be liable for whatsoever may be due from him on account of his guardianship to his ward before any other debt due from such guardian. Every orphan who hath no estate, or not sufficient for a maintenance out of the profits, shall, by order of the Court of the County in which he or she resides, be bound apprentice, until the age of twenty-one years, if a boy, or of eighteen years, if a girl, to some master or mistress, who shall covenant to teach the apprentice some art, trade, or business, to be particularized in the indenture, as also reading and writing, and if a boy, common arithmetic, including the rule of three, and to pay him to or her three pounds and ten shillings at the expiration of the time. Any guardian may, with the approbation of that Court in which his appointment shall be recorded, and not otherwise, bind his ward apprentice to such person, for learning such art or trade, and with such covenants on the part of the master or mistress as the said Court shall direct; and any such apprentice, with the like approbation, or any apprentice bound by his father, may, with the approbation of the Court of that County in which the father shall reside, after he shall be sixteen years of age, agree to serve until he shall be twenty-four years of age, or any shorter time, and such agreement entered on record shall bind him.

SECT. II. THE Court of every County, City, or Borough, shall at all times receive the complaints of apprentices, or hired servants, being citizens of any one of the confederated States of America, who reside within the jurisdiction of such Court, against their masters or mistresses, alledging undeserved or immoderate correction, insufficient allowance of food, raiment, or lodging, or want of instruction, and may hear and determine such cases in a summary way, making such orders thereupon as in their judgment will relieve the party injured in future, or removing the apprentices, and binding them to other masters or mistresses, when it shall seem necessary; and may also, in the same manner, hear and determine complaints of masters or mistresses against their apprentices, or hired servants, for desertion, without good cause, and may oblige the latter, for loss thereby occasioned, to make retribution, by farther services, after expiration of the times for which they had been bound.

SECT. III. **A**ND be it further enacted, That the Courts of Hustings in the Cities of Williamsburg and Richmond, and Borough of Norfolk, and all other incorporated Towns, shall have the same power as is hereby given to the County Courts.

SECT. IV. THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.

An ACT for the Restraint, Maintenance, and Cure of Persons not sound in Mind.

SECTION I. *BE it enacted by the General Assembly,* That the present Directors of the Hospital for the reception of persons of unsound minds, and their successors, to be chosen when vacancies happen, by joint ballot of both Houses of General Assembly, are hereby constituted a Body Politic and Corporate, to have perpetual continuance, by the name of the Directors of the Hospital for the Maintenance and Cure of Persons of unsound Minds, and by that name may sue and be sued, and may, and shall have and use, a common seal; and are enabled to take and hold any estate, real and personal, given, or to be given, to the said hospital, or to themselves, for the use thereof, so as the annual revenue or income of such donations exceed not one thousand pounds, any law or statute to the contrary, notwithstanding; and shall and may, so often as it shall be necessary, choose a President, to continue in office until his death, resignation, or removal. And the said Directors, or any seven of them, the President being one, shall, from time to time, ordain regulations for the government of the said hospital, and appoint a Keeper or Matron thereof, with nurses and guards, when they shall be necessary, and provide for the accommodation, maintenance, and cure of the patients remaining and to be received therein. By warrant, to be directed to the Sheriff, a Justice of Peace may order to be brought before him any person whose mind, from his own observation, or the information of others, he shall suspect to be unsound, and with two other Justices, who, at his request, shall associate with him, shall enquire into the state of such person's mind; and the said Justices shall write down as well what shall appear to themselves as what shall be testified by witnesses, touching the supposed insanity; and if two of them adjudge the party to be such a one as ought to be confined in the hospital, and some friend will not become bound, with surety, to restrain and take proper care of him or her, until the cause for confinement shall cease, the said Justices, or two of them, shall order the insane to be removed to the said hospital, and there received, and for that end direct a warrant to the Sheriff, and a mittimus to the said Keeper, transmitting therewith, to the latter, the examinations of the witnesses, and a relation of such facts as the said Justices shall think pertinent to the subject, to be laid before the Directors. The said Keeper, immediately after the person removed shall be delivered to him, thereupon of whom he shall acknowledge in a writing signed by him, and given to the Sheriff, shall inform the President thereof, who shall require his colleagues to meet so soon as may be; and at such meeting, which shall not be unnecessarily delayed, the Directors, if having considered the case, they concur in opinion with the Justices, shall register the insane as a patient; but they may at any time afterwards deliver him or her to a friend, becoming bound to restrain and take care of him or her, in the same manner as the Justices might have done. If the Directors differ in opinion from the Justices, they shall report the matter to the High Court of Chancery, who shall thereupon award the writ *de idiota inquirendo*, directed to the Sheriff of that County from whence the person supposed to be insane shall have been removed, and such person shall be put into the custody of the said Sheriff, and remain there until the inquisition be taken and returned, and then shall be enlarged or registered, as the said Court shall order. The Court of a County, City, or Borough, shall refer it to three Justices to examine into the state of mind of an infant, child, or ward, in their County, City, or Borough, suggested to such Court, by the parent or guardian, to be insane, and upon the report of the said Justices, if the suggestion appear to be true, shall order such insane to be removed in the manner before directed, to the hospital, where he or she shall be received and registered. The expence of maintaining, and endeavouring to cure a registered insane, shall be reimbursed out of his estate, if any such there be, and in case of an infant, not an orphan, shall be repaid by the parent, if of sufficient ability to support such infant, to be adjudged of and certified by the Court of the County where such parent resides, and may be recovered by an action commenced and prosecuted in the names of the Directors, who shall account for what shall thus come to their hands. Accounts of expences incurred in execution of this Act, as well for repairing the hospital, and other necessary incidental works and services, shall be audited and discharged in the same manner as other public accounts. The Directors shall enlarge every person confined in the hospital, who shall appear to them to be perfectly cured of insanity, and give such person a certificate thereof. A person registered in the hospital shall nevertheless, during the time of his or her confinement there, be deemed an inhabitant of that County in which was his or her legal settlement at the time of his or her removal to the hospital.

SECT. II. *THIS Act shall commence and be in force from and after the first day of January, one thousand seven hundred and eighty-seven.*

C H A P. LXXXVIII.

An ACT vesting the Estate of MATTHEW WOMBLE, deceased, in Trustees, to be sold for the Benefit of his Children.

BE it enacted by the General Assembly, That the whole estate, both real and personal, of Matthew Womble, who was convicted of murder at the session of the General Court in December last, and executed accordingly, be, and the same is hereby vested, in Thomas Wrenn, William Gay, James Coffer, and Joon Scafbrook Wills, Gentlemen, Trustees, to be by them, or any two of them, sold for the best price that can be had, giving one month's notice of the time and place of sale in the Virginia Gazette; and the said Trustees shall convey the same to the purchasers in fee, and apply the money arising from the sale thereof in the first place to the payment of the just debts of the said Matthew Womble, and the residue divided between his children, and paid by the said Trustees to their guardian or guardians; any law, usage, or custom, to the contrary notwithstanding.

C H A P. LXXXIX.

An ACT incorporating Trustees for establishing and conducting a SEMINARY of LEARNING, at the Town of Fincastle, in the County of Botetourt.

SECTION I. *WHEREAS* it is the interest of all wise, civilized and free governments, to facilitate as much as may be, the diffusion of useful knowledge among its inhabitants: *AND WHEREAS* to this end sundry persons of the County of Botetourt have given considerable donations, for the purpose of endowing and supporting a seminary of learning, at the Town of Fincastle, in the said County, and have represented to this present General Assembly, that their designs would be much accelerated were a law to pass incorporating them into a Body Politic:

SECT. II. *BE it enacted,* That from and after the passing of this Act, the said seminary shall obtain the name of Botetourt Seminary; and that David Robinson, William Fleming, George Skillern, Patrick Lockhart, Thomas Madison, Thomas Rowland, Thomas Lewis, David May, John Wood, Robert Harvey, William Neely, James Barnett, Henry Bowyer, Samuel Mitchell, George Hancock, and Archibald Stuart, gentlemen, be, and they are hereby constituted, a Body Politic and Incorporate, by the name of the President, Wardens, and Directors of Botetourt Seminary, who shall have perpetual succession, and a common seal; and that they and their successors, by the name aforesaid, shall be able and capable in law to possess, purchase, receive, and retain, to them and their successors forever, any lands, tenements, rents, goods, chattels, or donations of any kind whatsoever, which may have been given, or shall in future be given, or purchased by

them, for the use thereof, and by the same name to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law or Equity, and from time to time, under their common seal, to make and establish such bye-laws, rules and ordinances, not repugnant to the laws of this Commonwealth, as by them shall be thought necessary for the good order and government of the same.

SECT. III. *AND be it further enacted*, That the said President, Wardens, and Directors, or any seven of them, shall have full power and authority to meet at such times as they shall think proper, and determine in all cases where a greater number of poor and indigent apply for admission than the funds can support, (to whom the preference shall be given) and to continue those so admitted for such length of time as they, or a majority of them, shall think necessary, having regard to the genius and capacity of the students, and of directing the study of such to any branch of literature, to which in their opinion the genius of the student is best adapted.

SECT. IV. *AND be it further enacted*, That the President, Wardens, and Directors, or any seven of them, upon the death, resignation, or failure to attend (being thereof previously notified) for two meetings successively, shall have power and authority to nominate and appoint a sufficient number of members to supply the places of those so dead, resigned, or failing to attend. To nominate and appoint a Treasurer, Secretary, and Steward, to which several offices they may annex such salaries as to them shall appear equitable and right, who shall respectively be subject to a removal from office at the discretion of the Corporation, for any abuse or neglect of duty; provided that the Treasurer, previous to his entering on the duties of the said office, shall give bond, with security to be approved by the Corporation, in the penalty of three thousand pounds, for the faithful discharge of the trust reposed in him, and shall, whenever thereunto required, render on oath, a just and true account of all monies, and donations of every kind, which have come to his hands by virtue of his said office, and also of all expenditures for or to the use of the said Seminary, and on failure so to do, shall be subject to a judgment, on motion in any Court of Record in this Commonwealth; and execution may thereupon be awarded, in like manner as against Sheriffs for the non-payment of public taxes in their hands.

CHAP. XC.

An ACT directing the sale of certain LANDS late the property of John Mills, deceased, for the payment of his debts.

SECTION I. **W**HEREAS John Mills, late of the County of Fairfax, in the year one thousand seven hundred and eighty three, died intestate, seized and possessed of a considerable real and personal estate, the former, by the operation of the laws of escheat and forfeiture, is escheatable to the Commonwealth, and the personal estate has been sold by the administrators of the said John Mills, which will prove greatly insufficient for the payment of his debts: And whereas, James Mills, late of the County of Middlesex, deceased, by his will devised to the said John Mills, a part of his outstanding debts, after several legacies, to a considerable amount, were previously paid; and there being no prospect of the creditors of the said John Mills deriving any benefit for a considerable time, if ever, from the said devise, they have made application to this Assembly, to direct the sale of the lands of the said John Mills, which are escheatable to the Commonwealth, and the money arising from such sale to be applied towards the payment of their debts:

SECT. II. *BE it therefore enacted*, That the lands whereof the said John Mills died seized, and are escheatable to the Commonwealth, shall be sold by his administrators, or the survivors or survivor of them, on credit not exceeding eighteen months, for the best price that can be had, and by them conveyed to the purchaser or purchasers in fee, and the money arising from such sales to be applied by the said administrators to the payment of the just debts of the said John Mills to his creditors, in equal proportions to the debts due them, And the said administrators, so soon as they shall receive the legacy, or any part thereof, devised to the said John Mills by the will of the said James Mills, after paying the just debts of the said John Mills, shall pay the same, or so much thereof, as shall be equal to the sum arising from the sale of the said lands, into the public Treasury, after deducting a reasonable allowance for their expenses and trouble.

CHAP. XCI.

(An ACT for regulating the STREETS in and adjoining to the Town of Alexandria.)

SECTION I. **W**HEREAS it will tend greatly to the ornament of the Town of Alexandria, as well as the convenience and health of the inhabitants thereof, if the streets of the said Town were laid off and extended in a regular and uniform manner:

SECT. II. *BE it therefore enacted* by the General Assembly, That a district round the said Town, bounded as followeth, viz.—Beginning at Great Hunting creek, and running thence parallel with Fairfax-street, to Four-Mile run or creek, so as to intersect King-street (when extended) one mile west from the Court-house; thence eastwardly down the said creek or run to its confluence with Potowmack river, thence southwardly down the said river, to the mouth of Great-Hunting creek, thence westwardly up the said creek to the beginning, shall be subject to the regulations herein after-mentioned, whenever the proprietors of land within the aforesaid district shall, respectively, incline to lay out the same in Town lots for the purpose of building thereupon, that is to say, the streets within the original plan of the said town, and which run westwardly from the river, and also the streets laid off by John Alexander, and his executors, parallel therewith, shall be extended to the line which makes the western boundary, and be of the same width in every part, except Franklin-street, which shall be only fifty feet wide in that part thereof lying eastward of Union street. The streets hereafter to be laid off on the south side of Franklin-street, and the north side of Oronoko-street, and running westwardly within the said limits, shall be parallel with the last-mentioned street, be of the width of sixty-six feet in every part, and extend from the river Potowmack to the aforesaid western boundary. The streets within the original plan of the town, and which run up and down the river, shall be severally extended of the same width southwardly to Potowmack river or Great-Hunting creek, as the case may be, and northwardly, to Potowmack river or Four-Mile run, as the case may require. All the streets hereafter to be laid off on the west side of Washington-street, shall be parallel with Fairfax-street, and not less than sixty-six feet wide in every part, nor more than sixty-six feet wide in any part, without the consent of the proprietors of the land, first had and obtained, and shall be extended southwardly to Great-Hunting creek, and northwardly to Potowmack river or Four-Mile run. The streets running westwardly from Potowmack river shall be at the distance of three hundred and fifty-three feet two inches, and the streets running parallel with Fairfax-street, shall be distant from each other two hundred and forty-six feet ten inches, so that each square to be built upon and improved, shall contain two acres of land. The street called Washington-street shall be one hundred feet wide in every part, and be extended northwardly and southwardly to the limits of the aforesaid district, except that part of the said street already laid out sixty-six feet wide, which shall continue of that width, unless the Mayor and Commonalty of the said Town choose to widen the same to one hundred feet, in which case they shall, on or before the first day of April next, cause the damages or injury which any person or persons may in any manner sustain in their property by the widening of the said street, to be ascertained and valued by a Jury of twelve good and lawful men, upon oath, to be empanelled by the Sheriff of Fairfax County, and the amount of such damages, or injury, assessed as aforesaid, to be levied on the property within the limits of the Corporation, and shall pay the amount to the several persons entitled thereto, in the following manner, viz. One half on or before the first day of January, one thousand seven hundred and eighty-seven, and the remainder on or before the first day of January, one thousand seven hundred and eighty-eight. (Provided, That the Church and burying ground vested in the Minister and Vestry of the Protestant Episcopal Church in Fairfax Parish, shall not in any manner be affected by the extension of Cameron-street.)

CHAP. XCII.

An ACT to repeal the Act of Assembly for establishing the Town of WALKERTON.

BE it enacted by the General Assembly, That the Act of Assembly for establishing the Town of Walkerton, in the County of King and Queen, shall be, and the same is hereby repealed. That forty acres of land, which were by deed bearing date the thirteenth day of June, one thousand seven hundred and nine, given and granted by John Walker, deceased, for the use of the inhabitants of the said Town, as a common, shall be, and the same are hereby vested in the legal representatives of the said John Walker in fee: Provided always, That nothing herein contained shall be construed to affect the right of any person to a lot or part of a lot in the said place, or to discontinue the public road to, or ferry across, Mattapony river from the said Town.

C H A P. XCIII.

An ACT for vesting the Estate of John Tyler, deceased, in Trustees, for certain purposes.

SECTION I. **B**E it enacted by the General Assembly, That the whole estate, both real and personal, of John Tyler, who was convicted of murder at the session of the General Court in December last, and executed accordingly, be, and the same is hereby vested in William Alexander, James Gwarkins, and Valentine Peyton, Trustees for the following uses, that is to say: that they, or any two of them, shall sell the same, having given notice thereof for one month in the Virginia Gazette, upon twelve months credit, taking bond and good security from the purchasers; and when the money is received, pay to the State the expenses of the prosecution of the said John Tyler, to his creditors their just debts, and distribute the remainder among the brothers and sisters of the said John, observing this rule of proportion, that such as are of the half-blood, if any there be, shall be entitled to but half a share. **AND WHEREAS** the said John Tyler, in his life-time, agreed to sell to Joseph Tyler, a tract of land containing one hundred and fifty-five acres, more or less, lying in the County of Loudoun, for the sum of one hundred and sixty pounds, part whereof has been paid, but no conveyance executed before the deaths of the said Joseph and John Tyler;

SECT. II. **B**E it enacted, That the said Trustees, or any two of them, be empowered to demand and receive from the administrators of the said Joseph Tyler the balance due, and upon receipt thereof, to convey the said tract of land in fee to the heir at law of the said Joseph, and distribute the money among the representatives of the said John, in manner aforesaid.

SECT. III. **A**ND be it further enacted, That Elizabeth, the widow and relict of the said Joseph, shall be entitled to dower in the said one hundred and fifty acres of land, in the same manner that she would have been if the lands had been conveyed to the said Joseph in his life-time.

C H A P. XCIV.

An ACT for establishing the Town of CLARKSBURG, in the County of Harrison.

SECTION I. **W**HEREAS a considerable number of lots have been laid off, and houses built thereon, by the proprietors of the place fixed for the erecting the Court-house and other public buildings in the County of Harrison, and application being made to this Assembly that the same may be established a Town:

SECT. II. **B**E it therefore enacted, That the said lots so laid off, or hereafter to be laid off by the Trustees, shall be, and the same are hereby established a Town, by the name of Clarksburg, and that William Haymond, Nicholas Carpenert, John Myers, John M'Ally, and John Daviston, gentlemen, are hereby appointed Trustees of the said Town, who, or any three of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the said lots, and in case of the death, resignation, or removal out of the County of any one or more of the said Trustees, it shall be lawful for the freeholders of the said Town to elect and choose others in their stead, and those so chosen shall have the same power and authority as any one particularly named in this Act.

SECT. III. **P**ROVIDED always, and be it further enacted, That half an acre of ground, or so much thereof as may be thought necessary, either in one entire or two separate parcels, shall be laid off by the said Trustees in the most convenient part of the said Town, and appropriated for the purpose of erecting thereon the Court-house and other public buildings; and that the said Trustees have full power to lay off as many lots, streets, and alleys as to them shall seem convenient, for the benefit of the said Town; and that the possessor of any lot or lots in the said Town, shall, before the first day of January, one thousand seven hundred and ninety, build thereon a dwelling-house of at least sixteen feet square, either of stone, brick, frame, or hewed logs, with a stone or brick chimney, and upon failure thereof, shall forfeit their lot or lots to the said Trustees, to be further disposed of as they may think proper, for the benefit of the said Town.

SECT. IV. **A**ND be it further enacted, That the freeholders of the said Town shall be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders of other Towns not incorporated, have and enjoy.

C H A P. XCV.

An ACT for establishing a Town on the Lands of William Mercer, in the County of Stafford.

SECTION I. **B**E it enacted by the General Assembly, That seventy-one acres of land, being part of a tract devised by the will of the late General Hugh Mercer, deceased, to his son William Mercer, now an infant, lying on Rappahannock river, in the County of Stafford, shall be, and the same are hereby vested in William Fitzhugh, James Hunter, Manx Page, George Weedon, William Garrard, and John Mercer, Gentlemen, Trustees, to be by them, or a majority of them, laid out into lots of half an acre each, with convenient streets, which shall be, and the same is hereby established a Town, by the name of Leesville. So soon as the said seventy-one acres of land shall be so laid off into lots and streets, the said Trustees, or a majority of them, shall proceed to sell the said lots, at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for one month in the Virginia Gazette; the purchasers to hold the said lots respectively, subject to the condition of building on each a dwelling-house sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within three years from the day of sale: And the said Trustees, or a majority of them, shall, and they are hereby empowered, to convey the said lots to the purchasers thereof in fee, subject to the condition aforesaid, and pay the money arising from the sale thereof to the executors of the said Hugh Mercer, to be by them accounted for, and paid to the said William Mercer, or his legal representatives. The said Trustees, or a majority of them, shall have power from time to time, to settle and determine all disputes concerning the bounds of the lots, and to settle and establish such rules and orders for the regular building of houses thereon, as to them shall seem best; and in case of the death, resignation, or other legal disability of any of the said Trustees, to elect and choose others in their stead, which Trustees, so chosen, shall, to all intents and purposes, be vested with the same powers and authority as any other in this Act particularly nominated and appointed.

SECT. II. **A**ND be it further enacted, That the purchasers of lots in the said Town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds of conveyance, shall then be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other Towns not incorporated, hold and enjoy. If the purchasers of any lot shall fail to build thereon within the time before limited, the said Trustees, or a majority of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said Town.

C H A P. XCVI.

An ACT appointing Trustees for the Town of SUFFOLK, and for enlarging the same.

BE it enacted by the General Assembly, That Wells Cowper, John Driver, John Granberry, Willis Riddick, Robert Cowper, Archibald Richardson, and Thomas Wihart, Gentlemen, shall be, and they are hereby constituted and appointed, Trustees of the Town of Suffolk: That sixteen acres of land adjoining the said Town, the property of John Granberry, be, and the same are hereby vested in the said Trustees, and shall be held, deemed and taken as part of the said Town, and shall be laid off by the said Trustees, or a majority of them, into lots of half an acre each, with convenient streets, and sold at public auction for the best price that can be had, the time and place of such sale being previously advertised two months in the Virginia Gazette, and to convey the said lots to the purchasers thereof in fee respectively, subject to the condition of building on each a dwelling-house, at least twenty feet long and sixteen feet wide, with a brick or stone chimney, to be finished within four years from the day of sale. The money arising from the sale of the said lots shall be paid by the said Trustees to the said John Granberry, or his legal representatives. The said Trustees, or a majority of them, shall have power from time to time, to settle and determine all disputes concerning the bounds of the lots, and to settle and establish such rules and orders for the regular building of houses thereon, as to them shall seem best; and in case of the death, resignation, or other legal disability of any of the said Trustees, to elect and choose others in their stead, which Trustees, so chosen, shall, to all intents and purposes, be vested with the same powers and authority as any other in this Act particularly nominated and appointed.

part of them, shall have power from time to time, to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules for the regular building of houses thereon, as to them shall seem most convenient: That in case of the death, removal out of the County, or other legal disability of any of the said Trustees, the vacancy thereby occasioned shall be supplied by the remaining Trustees, and those so chosen shall be to all intents and purposes individually vested with the same power and authority as any one in this Act particularly mentioned. The purchasers of lots in the said Town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds of conveyance, shall be entitled to and enjoy the same rights, privileges, and immunities, with the other freeholders and inhabitants of the said Town: That if the purchaser of any lot sold by the said Trustees shall fail to build thereon within the time before limited, the said Trustees, or the major part of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the said Town.

C H A P. XCVII.

An ACT to establish a Town on the lands of Zackquell Morgan, in the County of Monongalia.

BE it enacted by the General Assembly, That fifty acres of land, the property of Zackquell Morgan, lying in the County of Monongalia, shall be, and they are hereby vested in Samuel Hanway, John Evans, David Scot, Michael Kearnes, and James Daugherty, Gentlemen, Trustees, to be by them, or any three of them, laid out into lots of half an acre each, with convenient streets, which shall be, and the same are hereby established a Town, by the name of Morgans-Town. So soon as the said fifty acres of land shall be so laid off into lots and streets, the said Trustees, or the major part of them, shall proceed to sell the said lots, at public auction, for the best price that can be had, the time and place of which shall be previously advertised for two months in the Virginia Gazette; the purchasers to hold the said lots respectively, subject to the condition of building on each a dwelling-house, eighteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within four years from the day of sale: And the said Trustees, or the major part of them, shall, and they are hereby empowered, to convey the said lots to the purchasers thereof in fee simple, subject to the condition aforesaid, and pay the money arising from the sale thereof to the said Zackquell Morgan, or his legal representatives. The said Trustees, or a majority of them, shall have power from time to time, to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and orders for the regular building of houses thereon, as to them shall seem best and most convenient; and in case of the death, removal out of the County, or other legal disability, of any of the said Trustees, it shall be lawful for the other Trustees, to elect and choose so many other persons in the room of those dead, removed, or disabled, as shall make up the number; the Trustees, so chosen, shall to all intents and purposes, be vested with the same powers as those particularly named in this Act. The purchasers of the lots in the said Town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds, shall be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other Towns in this State, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said Trustees, or the major part of them, may thereupon enter into such lot, and sell the same again, and apply the money towards repairing the streets, or in any other way for the benefit of the said Town. *Provided always*, That nothing herein contained shall be construed or taken, so as to authorize the said Trustees to sell any lot, that may have already been sold and conveyed by the aforesaid Zackquell Morgan, nor to re-enter the same, provided the holder thereof shall build a house of such dimensions as is herein before directed, within the space of four years after the passing of this Act.

C H A P. XCVIII.

An ACT giving further Time to the Purchasers of Lots in the Town of Moorfield to build thereon.

SECTION I. **W**HEREAS the purchasers of lots in the Town of Moorfield, in the County of Hampshire, from the difficulty of procuring materials, have not been able to build on their said lots within the time prescribed by law:

SECT. II. *BE it therefore enacted*, That the further time of three years, from the passing of this Act, shall be allowed the purchasers of lots in the said Town to build upon and save the same.

C H A P. XCIX.

An ACT for giving further time to the proprietors of lots in the Town of Bath to make improvements thereon.

SECTION I. **W**HEREAS by an Act of the General Assembly, intituled "An Act for establishing a Town at the Warm Springs, now called Bath, in the County of Berkeley," it was, among other things, directed, that the purchasers of lots in the said Town should, within twelve months from the day of sale, build upon each of the said lots a dwelling-house, twelve feet square, fit for habitation. **AND WHEREAS** it has been represented to this present General Assembly, that the time limited for building upon and saving the said lots was of too short a period:

SECT. II. *BE it therefore enacted by the General Assembly*, That the purchasers of lots in the said Town shall be allowed until the first day of October, one thousand seven hundred and eighty-seven, as a further time to build upon and save the same; any thing in the said recited Act to the contrary, notwithstanding.

C H A P. C.

An ACT to establish a Town on the Land of James Gordon, in the County of Lancaster.

SECTION I. **B**E it enacted by the General Assembly, That fifty acres of land, the property of James Gordon, lying between the eastern and western branch of Corotoman river, in the County of Lancaster, shall be, and they are hereby vested in Edwin Conway, John Berryman, Henry Towles, James Wallace Ball, George Carter, Joseph Ball Downman, John Gordon, Thomas Gaskins, and James Ball, jun. Gentlemen, Trustees, to be by them, or a majority of them, laid out into lots of half an acre each, with convenient streets, and established a Town, by the name of Gordonsville. So soon as the said fifty acres of land shall be laid off into lots and streets, the said Trustees, or a majority of them, shall proceed to sell the same at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for two months in the Virginia Gazette. The purchasers to hold the said lots respectively, subject to the condition of building on each a dwelling-house, sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within three years from the day of sale; and the said Trustees, or a majority of them, shall, and they are

hereby empowered, to convey the said lots to the purchasers thereof in fee, subject to the condition aforesaid, and pay the money arising from the sale thereof to the said James Gordon, or his legal representatives. The said Trustees, or the major part of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the lots, and to establish such rules and orders for the regular building of houses thereon, as to them shall seem best and convenient; and that in case of the death, resignation, or other legal disability of any one or more of the said Trustees before named, it shall be lawful for the remaining Trustees to elect and choose others in their stead; which Trustees so chosen, shall, to all intents and purposes, be vested with the same power and authority as any other in this Act particularly nominated and appointed. The purchasers of lots in the said Town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds of conveyance, shall then be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other Towns in this State, not incorporated, hold and enjoy.

SECT. II. IF the purchaser of any lot shall fail to build thereon within the time before limited, the said Trustees, or a majority of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said Town.

C H A P. CI.

An ACT for establishing a Town on the Lands of Landon Carter, in the County of Fauquier.

BE it enacted by the General Assembly. That fifty acres of land, being part of a large tract belonging to Landon Carter, Gentleman, lying at a place called Norman's Ford, in the County of Fauquier, be, and the same is hereby vested in John Blackwell, Humphrey Brooke, George Fitzhugh, William Pickett, and Thomas Helm, Gentlemen, Trustees, to be by them, or any three of them, laid out into lots of half an acre each, with convenient streets, which shall be, and the same is hereby established a Town, by the name of Carolandville: That so soon as the said fifty acres of land shall be so laid off into lots and streets, the said Trustees, or any three of them, shall proceed to sell the same at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for one month in the Virginia Gazette. The purchasers to hold the said lots respectively, subject to the condition of building on each a dwelling-house, four hundred square feet at least, with a brick or stone chimney, to be finished fit for habitation within four years from the day of sale; and the said Trustees, or any three of them, shall, and they are hereby empowered, to convey the said lots to the purchasers thereof in fee-simple, subject to the condition aforesaid, and pay the money arising from the sale thereof to the said Landon Carter, or his legal representatives. The said Trustees, or any three of them, shall have power from time to time, to settle and determine all disputes concerning the bounds of the lots, and establish such rules and orders for the regular building of houses thereon, as to them shall seem best and convenient; and that in case of the death, removal out of the County, or other legal disability, of any one or more of the said Trustees, it shall be lawful for the surviving or remaining Trustees to elect and choose others in the room of those dead or disabled; which Trustees so chosen, shall, to all intents and purposes, be vested with the same powers and authority as any other in this Act particularly appointed: That the purchasers of the lots in the said Town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds of conveyance, shall then be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other Towns, not incorporated, hold and enjoy. If the purchasers of any lot shall fail to build thereon within the time before limited, the said Trustees, or the major part of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said Town.

C H A P. CII.

An ACT for giving further Powers to the Trustees of the Town of York.

BE it enacted by the General Assembly, That the Trustees for the Town of York be, and they are hereby authorized and empowered, to lay out, allot, and dispose of, certain lands added to the said Town of York as a common by an Act of Assembly, passed in the year one thousand seven hundred and thirty-eight, and to dispose of the said lands in such a manner as they, or a majority of them, shall judge most for the benefit and advantage of the said Town; and that the said lands shall be annexed to and considered as a part of the said Town of York.

C H A P. CIII.

An ACT to discharge George Taylor and James Madison from further proceeding on the Trust reposed in them by an Act of the Legislature.

SECTION I. WHEREAS, George Taylor and James Madison, Gentlemen, with the approbation of the other Trustees, by virtue of two Acts of Assembly, the one passed in the year one thousand seven hundred and sixty-five, and the other in the year one thousand seven hundred and sixty-six, sold fourteen thousand acres of land, lying in the County of Orange, whereof Harry Beverley, Gentleman, was seized in fee-tail, and from the money arising therefrom purchased a number of slaves, which were to be annexed to his other intailed lands: And whereas the said Harry Beverley departed this life some time ago, leaving Robert Gaines Beverley, his eldest son and heir, and there being yet several sums of money due for the sales of the said land, which the said Robert Gaines Beverley chooses rather to receive, than that the same should be applied to the purchase of slaves agreeably to the directions of the said Acts, which cannot now be intailed:

SECT. II. BE it therefore enacted, That Charles Porter, French Strother, and Oliver Towles, Gentlemen, or any two of them, are hereby authorized to settle the accounts of the said George Taylor and James Madison, respecting the trust aforesaid, and to make them such allowance for their trouble as shall appear reasonable: Whereupon it shall be lawful for the said Trustees to assign to the said Robert Gaines Beverley, any securities which may remain unsatisfied for the purchase of the said lands, and upon paying him the balance, if any, of money in their hands concerning the said trust, shall thenceforth be discharged therefrom: The said Commissioners shall cause the accounts so settled to be recorded in the Court of the said County of Orange, the expence thereof to be paid by the said Robert Gaines Beverley.

C H A P. CIV.

An ACT to authorize the Administrator of Alexander Wodrow, deceased, to convey part of a lot of land to Elizabeth Eskridge.

SECTION I. WHEREAS it has been represented to the General Assembly, That Alexander Wodrow, with sundry others, were seized in common of a certain lot of land in the Borough of Winchester, distinguished in the plan thereof by the number 2. which they sold, for a valuable consideration, to William Scott, but before a conveyance was made, the said Scott died, leaving Elizabeth Scott, his only child and heir at law, who has since intermarried with William Eskridge; and that the said Alexander Wodrow is also dead, and his heir at law not being a resident of the State, a legal title to the said lot cannot be obtained:

SECT. II. *BE it therefore enacted*, That it shall be lawful for the administrator of the said Alexander Wodrow, at the costs and charges of the said William Eskridge, to convey to the said Elizabeth Eskridge in fee-simple, the said Alexander Wodrow's undivided part of the said lot of land, which shall be as effectual to all intents and purposes as if the said Alexander Wodrow had conveyed the same himself.

C H A P. CV.

An ACT authorizing John Mayo, the younger, to build a Toll Bridge across James River.

SECTION I. *BE it enacted by the General Assembly*, That it shall be lawful for John Mayo, the younger, his heirs and assigns, to erect or build a bridge across James River, from any part of the lands on each shore, between the upper end of Broad-Rock Island and the upper end of Coutt's Ferry Landing :

SECT. II. *PROVIDED* always, and be it further enacted, That the damages which the persons holding lands may sustain by means of building the said bridge, adjoining to or upon their lands, as well as damages that persons holding lots adjacent to the said bridge may sustain by opening a way to the same, shall be previously valued by a Jury, in the same manner as is directed by law in the case of the public squares in the City of Richmond, and such valuation paid to the proprietors : *Provided also*, that this Act shall not be construed to give the said Mayo, his heirs or assigns, a right to take any part of an improved lot or lots adjacent to the said river. So soon as the said bridge shall be completed, it shall be lawful for the said John Mayo, his heirs and assigns, to demand and receive the same toll or rates for the passage of any person or thing as is allowed at Coutt's Ferry. The said John Mayo, his heirs or assigns, shall begin to erect the said bridge within two years, and complete the same within seven years thereafter ; or if the said bridge after it is erected, shall remain unfit for the passage of any person or thing by the space of seven years, on failure in either of the said cases, the lands valued pursuant to this Act shall revert to and be vested in the former proprietors. The said bridge shall be so constructed that the navigation of the said river may not thereby be injured or affected, nor shall any stops or other obstructions to the passage of fish be placed or fixed at or near the said bridge, under the penalty of one hundred pounds, to be recovered by action or information in any Court of Record within this Commonwealth, one half to the use of the informer, the other to the use of the Commonwealth.

C H A P. CVI.

An ACT to authorize the Trustees of Samuel Du Val, Junior, to sell the one-fifth part of the Deep Run Coal Pits, and to lay out the money arising from the Sale thereof, in other Lands and Slaves, for the greater benefit of the said Samuel Du Val, Junior, and his Children.

SECTION I. *WHEREAS* it appears to the present General Assembly, that Samuel Du Val, late of the County of Henrico, by his last Will and Testament, devised the one-fifth part of the Deep Run Coal Pits, lying in the said County, to his sons, William and Claiborne Du Val, in trust, for the support of Samuel Du Val, junior, and his children ; that the rent of the said Pits is very inadequate to that purpose, and it would be greatly to the advantage and interest of the said Samuel Du Val, junior, and his children, if the said Trustees were authorized to sell the said Coal Pits in fee simple, and to vest one thousand pounds of the money arising from such sale in other lands, and the residue in Slaves, for the benefit of the said Samuel, and the children that he now has, or may hereafter have :

SECT. II. *BE it therefore enacted*, That the said William Du Val, and Claiborne Du Val, as Trustees of the last Will and Testament of Samuel Du Val, deceased, are hereby authorized and empowered to sell the said one-fifth part of the Deep Run Coal Pits so devised, in trust as aforesaid, and to convey the same by a deed or deeds, to the purchaser or purchasers thereof, in fee simple, and to vest one thousand pounds of the money arising from the sale of the said one-fifth part of the said Coal Pit lands, in the purchase of other lands, and the residue to be laid out in the purchase of Slaves, between the ages of eight and twenty-five years, and that a one-fourth part of the number of the said Slaves to be females ; which said lands and Slaves are to be vested in the said Trustees, for the benefit of the said Samuel and his children, pursuant to the limitations and restrictions contained, in the said last Will and Testament of the said Samuel Du Val, deceased.

SECT. III. *AND* be it further enacted, That the said Trustees shall give bond and security, in the penalty of three thousand pounds, for their faithful performance of the said trust reposed in them, and payable to the sitting Justices of Henrico County Court, for the benefit of the said Samuel Du Val and his children, which said bond shall be recorded in the said Court, and may be put in suit by any person or persons, who may be injured by the said Trustees not faithfully performing their said trust.

C H A P. CVII.

An ACT for establishing a Town in the County of Lincoln.

SECTION I. *WHEREAS* it is represented to this present General Assembly, that the laying off the Village or Township, known by the name of Harrodsburg, in the County of Lincoln, into lots and streets, and establishing the same by law, will be of public utility :

SECT. II. *BE it enacted*, That the six hundred and forty acres of land allowed by law, including the said Village or Township, shall be, and the same is hereby vested in William Christian, John Brown, Robert Mosby, Samuel Lapsley, Peter Casey, John Smith, Samuel Taylor, John Cowan, John Gilmore, James Harrod, Abraham Chaplaine, William Kennedy, and Benjamin Logan, Gentlemen, Trustees, to be by them, or any seven of them, laid off into lots, with convenient streets, and established a Town, by the name of Harrodsburg.

SECT. III. *AND* be it further enacted, That such of the inhabitants of the said Township who were residents therein on the first day of June, in the year one thousand seven hundred and seventy-nine, and have resided there ever since, or who have not obtained a certificate for a settlement and pre-emption from the Commissioners appointed in that country for adjusting claims to unpatented lands, agreeable to law, shall retain their just possessions ; provided that such possessions shall not exceed half an acre for each family, for an in-lot, and ten acres each for an out-lot ; and the said Trustees, or a major part of them, shall convey to such claimants their possessions aforesaid, without any other consideration.

SECT. IV. *THE* said Trustees shall cause an accurate survey to be made of the said Township, and after ascertaining the claims of the several persons who may have a right to lots, according to this Act, shall proceed to sell the residue thereof, on twelve months credit, giving sufficient notice of the time of such sale, taking bonds with sufficient security, payable to themselves, as Trustees aforesaid, and convey the said lots to the purchasers in fee ; and that after deducting the Surveyor's fees, and other incidental expenses, together with five per centum for collection, shall settle their account on oath, before the Supreme Court for the District of Kentucky, and pay the balance into the Public Treasury. Upon the death, removal out of the County, resignation, or other legal disability of any of the Trustees, the remaining Trustees shall proceed to appoint others to such vacancies, as often as the same shall happen ; and the said Trustees so appointed shall individually be vested with the same powers, to all intents and purposes, as any one in this Act particularly mentioned.

SECT. V. *AND* be it further enacted, That the owners or purchasers of lots in the said Town of Harrodsburg shall, within three years from the day of sale, erect and build thereon a dwelling-house, of the dimensions of twenty feet by sixteen, at the least, with a brick or stone chimney, or on failure thereof, it shall and may be lawful for the Trustees, or a major part of them, to re-enter and possess the same again, with full power to dispose of such lots so forfeited, for the best price that can be got, and apply the money arising therefrom to the use and advantage of the said Town. The Trustees aforesaid, or any seven of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and orders for the regular building of houses thereon, as to them shall seem best and most convenient. And the owners or purchasers of lots in the said Town, so soon as they shall have built upon and saved the same, according to the directions of this Act, shall be entitled to, and enjoy all the rights, privileges, and immunities, which the freeholders and inhabitants of other Towns in this State, not incorporated, hold and enjoy.

C H A P.

C H A P. CVIII.

An ACT to establish a Town on the Lands of John Campbell, in the County of Jefferson.

SECTION I. **W**HEREAS it hath been represented to the General Assembly, that John Campbell hath laid off one hundred and fifty-six lots, with convenient streets, opposite the lower Falls of Ohio River, in the County of Jefferson, for the purpose of a town; and whereas, it hath also been represented, that it will be agreeable to the purchasers of the said lots, and an encouragement to settle thereon, if the same was established by law:

SECT. II. **B**E it therefore enacted, That the said one hundred and fifty-six lots, so as aforesaid laid off, be established a Town, and called Campbell Town; and that Richard Taylor, Edmund Taylor, James Sullivan, Alexander Breckenridge, and Robert Breckenridge, Gentlemen, be, and are hereby appointed, Trustees of the same; which said Trustees, or a majority of them, are hereby authorized to make such rules and orders for the regular building therein, as to them shall appear most conducive to the good and convenience of the inhabitants, and have full power to settle and determine all disputes about the limits or boundaries of the said lots, and for the clearing, cleansing, and keeping in good order the streets thereof. In case of the death, resignation, removal out of the County or any other legal disability, of any one or more of the said Trustees, it shall be lawful for the remaining Trustees, to elect and choose so many other persons in the room or stead of those deceased, resigned, removed, or disabled, which Trustees so elected, shall be to all intents and purposes, vested with the same power and authority as any other in this Act particularly appointed.

SECT. III. **A**ND be it further enacted, That so soon as the purchasers or owners of lots within the said Town, shall have built thereon a dwelling-house of sixteen feet square, with a brick or stone chimney, such purchaser or owner shall be entitled to, have, and enjoy all the rights, privileges and immunities, which the freeholders and inhabitants of other Towns in this State, not incorporated, hold and enjoy.

SECT. IV. **A**ND be it further enacted, That it shall not be lawful to build wooden chimnies within the said Town; and if any person shall build, or begin to build, any wooden chimney or chimnies within the same, the Trustees thereof may direct all such to be pulled down and demolished.

C H A P. CIX.

An ACT for appointing Trustees to convey a Tract of Land, the property of Charlotte Dalton, to David Chevis.

SECTION I. **W**HEREAS it has been represented to this present General Assembly, that Charlotte, the wife of Samuel Dalton, was, previous to her intermarriage, entitled to a moiety of a tract of land in the County of Caroline, containing about one hundred and fifty acres, the possession whereof has lately been recovered by a suit at law; and whereas the said Samuel Dalton, and Charlotte his wife, being residents in the State of North-Carolina, derive little or no benefit from the said land, but it being contiguous to a tract belonging to a certain David Chevis, who, from that circumstance, was induced to contract, and is willing to give for the same the sum of one hundred and fifty pounds, which is the full value thereof, but no legal sale or conveyance thereof can be made, the said Samuel Dalton prior to, and ever since the recovery of the possession of the said land, having been insane and incapable of transferring his property; and the said Charlotte Dalton, his wife, hath petitioned this Assembly to confirm the title of the said David Chevis to a moiety of the said lands, upon payment of the purchase money:

SECT. II. **B**E it therefore enacted, That the moiety and right of the said Charlotte Dalton in and to the said tract of land, shall be, and the same is hereby vested in Samuel Dalton, William Dalton, Archelaus Hughes, and William Martin, Gentlemen, Trustees, and that they, or a majority of them, shall convey the same to the said David Chevis in fee, upon his paying the aforesaid sum of one hundred and fifty pounds to the said Charlotte Dalton, or other person authorized by him to receive the same.

C H A P. CX.

An ACT to empower Robert Mackey and John Peyton to build upon and convey certain Lots in the Common annexed to the Town of Winchester.

SECTION I. **B**E it enacted by the General Assembly, That the lot numbered "Fifty," the property of Robert Mackey, and the lot numbered "Forty-nine," the property of John Peyton, in the common of the Town of Winchester, as the same are bounded and described in the plan of the said common, are, and shall be forever hereafter, added and annexed to the said Town; and it shall and may be lawful for the said Robert Mackey and John Peyton, their heirs or assigns, to lay off the same into convenient lots, and to sell and convey such lots to any person or persons; and the purchasers shall hold the same freed and discharged from all restrictions or conditions in the deeds from the late Proprietor of the Northern-Neck, prohibiting the erecting buildings thereon, or declaring the same inseparably annexed or appendant to certain lots in the said Town.

SECT. II. **A**ND be it further enacted, That the inhabitants and proprietors of the lots so annexed to the Town shall be subject to the jurisdiction of the Court of Hustings and Commonhall thereof, and shall have the same privileges and immunities as the other inhabitants of the said Town enjoy.

C H A P. CXI.

An ACT to authorize the raising a sum of money by way of lottery, for completing a church in the Borough of Winchester, and rebuilding a church in the Parish of Elizabeth River, in the County of Norfolk.

BE it enacted by the General Assembly, That it shall and may be lawful for the Minister and Elders of the German Lutheran Church, in the Borough of Winchester, to raise by way of lottery, a sum of money not exceeding five hundred pounds, to be by them applied towards completing a Church in the said Borough. And it shall also be lawful for the Vestry of the Parish of Elizabeth River, in the County of Norfolk, to raise by way of lottery, a sum of money not exceeding seven hundred pounds, for the purpose of rebuilding a Church in the said Parish.

C H A P. CXII.

An ACT to authorize the Society of Free-Masons in the City Richmond, to raise a sum of Money by way of Lottery.

BE it enacted by the General Assembly, That it shall and may be lawful for the Society of Free Masons in the City of Richmond, to raise, under the direction of the Commonhall of the said City, a sum of money not exceeding Fifteen hundred Pounds, by way of lottery, for the purpose of erecting and completing a Free-Mason's Hall in the said City; any law to the contrary thereof, notwithstanding.

C H A P.

An ACT for establishing a Town on the Lands of Smyth Tandy, in the County of Amherst.

BE it enacted by the General Assembly, That fifty acres of land, the property of Smyth Tandy, lying at the place called and known by the name of New-Glasgow, in the County of Amherst, be, and they are hereby vested in Hugh Rose, Gabriel Penn, Samuel Meredith, John Wyatt, Charles Rose, and Samuel Jordan Cabell, Gentlemen, Trustees, to be by them, or a majority of them, laid out into lots of half an acre each, with convenient streets; which shall be, and is hereby established a Town, by the name of Cabellsburg: That so soon as the said fifty acres of land shall be so laid off into lots and streets, the said Trustees, or a majority of them, shall proceed to sell the same at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for one month in the Virginia Gazette. The purchasers to hold the said lots respectively, subject to the condition of building on each a dwelling-house, sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within three years from the day of sale; and the said Trustees, or a majority of them, shall convey the said lots to the purchasers in fee, subject to the condition aforesaid, and pay the money arising from the sale thereof to the said Smyth Tandy, or his legal representatives. The said Trustees, or the major part of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the lots, and to establish such rules and orders for the regular building of houses thereon, as to them shall seem best: And in case of the death, removal out of the County, or other legal disability, of any one or more of the said Trustees, it shall be lawful for the remaining Trustees to elect and chose other persons in the room of those dead or disabled; which Trustees so chosen, shall, to all intents and purposes, be vested with the same powers and authority as any other in this Act particularly nominated and appointed. The purchasers of lots in the said Town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds of conveyance, shall then be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other Towns in this State, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said Trustees, or a majority of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of said the Town. *Provided always,* That nothing herein contained shall be construed or taken to give the said Trustees a power to lay out into lots, or dispose of such parts of the said fifty acres of land, on which there are any buildings, orchards, or gardens.

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